

Texts and Studies in Ancient Judaism

Texte und Studien zum Antiken Judentum

Herausgegeben von / Edited by

Peter Schäfer (Princeton, NJ)

Annette Y. Reed (Philadelphia, PA)

Seth Schwartz (New York, NY)

Azzan Yadin (New Brunswick, NJ)

135



The Talmud in Its Iranian Context

Edited by

Carol Bakhos and M. Rahim Shayegan

Mohr Siebeck



To our Teachers

Richard Kalmin and Prods Oktor Skjærve

and

to Yaakov Elman

CAROL BAKHOS is Associate Professor of Late Antique Judaism at UCLA.

M. RAHIM SHAYEGAN is Assistant Professor of Iranian Studies at UCLA.

ISBN 978-3-16-150187-6

ISSN 0721-8753 (Texts and Studies in Ancient Judaism)

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>.

© 2010 by Mohr Siebeck Tübingen.

This book may not be reproduced, in whole or in part, in any form (beyond that permitted by copyright law) without the publisher's written permission. This applies particularly to reproductions, translations, microfilms and storage and processing in electronic systems.

The book was printed by Gulde-Druck in Tübingen on non-aging paper and bound by Großbuchbinderei Spinner in Ottersweier.

Printed in Germany.

Acknowledgments

We are grateful to our colleagues who have contributed to this volume and have patiently endured the painstaking process of publishing an edited volume. We also owe a debt of thanks to other colleagues who partook in the conference as moderators and respondents; these are: Aryeh Cohen, Touraj Daryaei, Steven Fraade, Isaiah Gafni, Clarisse Herrenschmidt, Gail Labovitz, Dvora Weisberg, and Hossein Ziai.

We are also grateful to the staff of the UCLA Center for Jewish Studies, Vivian Holenbeck and David Wu, and to the Center's brilliant Director, David Myers, who graciously gave of their time and resources to making the event a success.

We would like to acknowledge the unstinting generosity of the Sabi Family and the Musa Sabi Chair of Iranian (2004–2009) that made this event possible.

We are deeply indebted to Arie Saposnik for his generous help, Carlene Demiany, our assistant editor, who gave enormous time and energy to this project, as well as Ilana Grinblat and Candice Levy who provided invaluable support at the final stages of publication. We also would like to thank Henning Ziebritzki and Tanja Mix from Mohr Siebeck for their assistance throughout the publication process.

Finally, we would like to dedicate this volume to our teachers, Richard Kalmin and Prods Oktor Skjærvø, and to Yaakov Elman.

Carol Bakhos
M. Rahim Shayegan

Table of Contents

Acknowledgments	VII
List of Abbreviations	XI
Introduction	XIII
A Generation of Talmudic Studies	
DAVID GOODBLATT	1
Toward an Intellectual History of Sasanian Law: An Intergenerational Dispute in <i>Hērbedestān</i> 9 and Its Rabbinic and Roman Parallels	
YAAKOV ELMAN	21
Persia in Light of the Babylonian Talmud: Echoes of Contemporary Society and Politics: <i>hargbed</i> and <i>bidaxš</i>	
GEOFFREY HERMAN	58
Talmudic Attitudes Toward Dream Interpreters: Preliminary Thoughts on Their Iranian Cultural Context	
RICHARD KALMIN	83
Allusions to Sasanian Law in the Babylonian Talmud	
MARIA MACUCH	100
The Iranian Context of the Babylonian Talmud	
JASON SION MOKHTARIAN	112
The Sasanian ‘ <i>Stam</i> ’: Orality and the Composition of Babylonian Rabbinic and Zoroastrian Legal Literature	
SHAI SECUNDA	140
“No Talking During a Meal”: Zoroastrian Themes in the Babylonian Talmud	
SHAUL SHAKED	161

List of Abbreviations

AcIr	Acta Iranica
AION	Annali dell'Istituto universitario orientale di Napoli
ANRW	Aufstieg und Niedergang der römischen Welt
AbhKM	Abhandlungen für die Kunde des Morgenlandes
AMI	Archäologische Mitteilungen aus Iran
AEMA	Archivum Eurasiae Medii Aevi
AJSReview	Association for Jewish Studies Review
BAI	Bulletin of the Asia Institute
BSOAS	Bulletin of the School of Oriental and African Studies
Elr	Encyclopædia Iranica
HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
IrAnt	Iranica Antiqua
JAAR	Journal of the American Academy of Religion
JA	Journal Asiatique
JAOS	Journal of the American Oriental Society
JESHO	Journal of the Economic and Social History of the Orient
JJS	Journal of Jewish Studies
JLAS	Jewish Law Association Studies
JQR	Jewish Quarterly Review
JRAS	Journal of the Royal Asiatic Society
JSAI	Jerusalem Studies in Arabic and Islam
JSIJ	Jewish Studies, an Internet Journal
JSS	Journal of Semitic Studies
MGWJ	Monatsschrift für Geschichte und Wissenschaft des Judentums
Nāme	Nāme-ye Irān-e Bāstān: International Journal of Ancient Iranian Studies
PAAJR	Proceedings of the American Academy of Jewish Research
RSO	Rivista degli studi orientali
StIr	Studia Iranica
TAPS	Transactions of the American Philosophical Society
VT	Vetus Testamentum
WZKM	Wiener Zeitschrift für die Kunde des Morgenlandes
YCS	Yale Classical Studies
ZA	Zeitschrift für Assyriologie und vorderasiatische Archäologie
ZDMG	Zeitschrift der Deutschen Morgenländischen Gesellschaft
ZPE	Zeitschrift für Papyrologie und Epigraphik

On the Terminology and Style of the Pahlavi Scholastic Literature PRODS OKTOR SKJÆRVØ	178
Relentless Allusion: Intertextuality and the Reading of Zoroastrian Interpretive Literature YUHAN SOHRAB-DINSHAW VEVAINA	206
Bibliography	233
List of Contributors	257
Source Index	261
Select Modern Author Index	267
Subject Index	268

Introduction

CAROL BAKHOS and M. RAHIM SHAYEGAN

The present volume represents the revised proceedings of a conference held at UCLA in 2007, which brought together some of the finest minds and cutting edge scholars in the fields of Iranian and Jewish Studies, in order jointly to pursue the work of exploring the Sasanian background of the Babylonian Talmud. Over the decades, numerous studies have traced the impact Greek culture, institutions, language, philosophy, and arts had on the Jewish tradition. Scholars of past generations also explored the relationship between Persian and Jewish sources. They, however, concerned themselves to a significantly lesser degree with the role Iranian civilization played in the shaping of Jews living within its orbit, and paid hardly any attention to the relationship between Sasanian and Babylonian Talmudic dicta.¹ This volume reflects more sophisticated methodologies and fresh approaches to the issue, approaches that acknowledge the necessity to understand Sasanian Jewry as situated geographically, socially, intellectually, and culturally within this broader Iranian context. We can no longer afford to imagine the rabbis who gave life to the Babylonian Talmud as hermetically sealed off from the wider, vibrant world they inhabited. Indeed, mounting evidence demonstrates that in order to comprehend Sasanian Jewry more fully, in particular the rabbis and the heritage they have bequeathed in the Babylonian Talmud, scholars must immerse themselves in the language, culture, society, and religious ethos of the Sasanian Empire.

No one has thought as radically about the acculturation of the Talmudic community of Sasanian Babylonia to Zoroastrian legal practices, and Persian imperial norms and *mentalité*, as Yaakov Elman. For some, however, the notion that Babylonian Jewry, which, by the time the Sasanians took control of the empire of Iran in the first half of the third century C.E., had lived for almost six centuries under Iranian rule,² could have been partially acculturated to its Iranian *Umwelt*, is still a difficult proposition. Skepticism

¹ For a survey of scholarship, see Geoffrey Herman, "Ahasuerus, the Former Stable-Master of Belshazzar, and the Wicked Alexander of Macedon: Two Parallels Between the Babylonian Talmud and Persian Sources," *AJS Review* 29, 2 (2005): 283–97.

² This is not counting the 170 years of Hellenistic intermezzo in Babylonia from 312 B.C.E., the beginning of the Seleucid Era, to spring 141 B.C.E., date of the Arsacid conquest of Babylonia.

its Hellenism. Given the Persian Church's drive to anchor itself to its Iranian cultural milieu after the synod of Mār Isaac in 410, as well as the manifold currents responsible for the formation of its doctrine,⁷ it remains questionable whether or not we may speak of it as a purely Hellenistic phenomenon, and hence methodologically problematic to have recourse to it as a paradigm to account for Bavli's Hellenistic credentials.

Rather than deeming the Bavli's discursive structure a deviant of Hellenistic dialectical practices, we may circumspectly consider the juxtaposition of rival (legal) opinions to reflect the reality of a multi-confessional empire, wherein a plurality of religious truths, sanctioned by the state, co-habitated. In spite of the Mazdean character of Sasanian culture and its dominant ethno-class, the empire was keen on maintaining political cohesion among its disparate religious communities by domesticizing their structures of governance, thereby partially acculturating their communities to the Iranian element. Thus, the very presence of the institution of the Exilarchate, which may well be a Sasanian creation,⁸ as well as the institutionalization of the Persian Church, ought to qualify the Sasanian state as a multi-confessional polity.

It is therefore possible to envisage that the plurality of truths in the Bavli could have reflected the mosaic of faiths within the religious landscape of the empire itself, inasmuch as the Yerushalmi, and its tendency to choose *one* opinion over others – although it is certainly not always the case – could have reflected the notion of *homonoia*⁹ – that is, consensus at the expense of dialectical disputation – that dominates the theological discourse of Christian communities in the late Roman empire of the fourth and fifth centuries C.E.¹⁰

The Sasanian commonwealth seems to symbolize a notion of empire that is at the antipodes of the Late Antique world and the unity of faith and *romanitas* that characterizes it. In this Iranian commonwealth, the Babylonian Talmud may prove as crucial as Iranian Christianity and Mazdaism for the exploration of the particularism of the *empire of Orient*.

⁷ Ch. Jullien and F. Jullien, 260.

⁸ The anticipated monograph by Geoffrey Herman, *A Prince without a Kingdom*, to be published in Mohr Siebeck, shall no doubt elucidate this issue.

⁹ The observation by Richard Kalmin, *Jewish Babylonia*, 1, 8–9, that the Babylonian rabbis “tended to avoid contact with other Jews, particularly those they perceived as their inferiors, and therefore unable to benefit them socially or economically,” and further that this behavior was possibly related to the fact that “Jewish society in Babylonia had more in common with Persian than Roman models, since Persian society discouraged movement and interactions between classes, in contrast to Rome, where upward (and downward) movement from one class to another was a relatively common phenomenon,” may serve in the present context as an important *comparandum*.

¹⁰ See notably Richard Lim, “Religious Disputation and Social Disorder in Late Antiquity,” *Historia* 44, 2 (1995): 204–31, especially 215–31.

has been voiced in most recent times, as to the feasibility (or desirability) of considering the sway of the Iranian world on the Babylonian Talmud. This for different reasons: on technical grounds, due to the legendary commotion in ancient Iranian Studies, where exhaustive histories of the Arsacid and Sasanian empires,³ as well as comprehensive editions of Middle Iranian scriptures, still figure among the field's *desiderata*, hence making it inordinately challenging to situate the Babylonian Talmud within its Sasanian cultural milieu;⁴ and on ideological grounds, for the radiance of Hellenistic thought in the East is deemed to be ever-lasting, despite the disappearance of the polities that sustained it. It is, thus, not surprising that a peculiarity of the Bavli, namely, its tendency simultaneously to present a plurality of opinions as equally true, in contrast to the Yerushalmi, has been recently regarded as a token of its indebtedness to Hellenistic dialectics, and partially its interplay with the "Hellenized" Christian Church of Persia.⁵

There is little doubt that the Jewish-Christian milieu of Mesopotamia in the second century C.E., whereto the intellectual roots of the Church of Persia can be traced back, and to which Babylonian Rabbinic Judaism could have been exposed, was impacted by the reception of Hellenistic thought.⁶ Whether the latter represented such constitutive moment in the general *tenus* of the Persian Church or the Babylonian Talmud, for them to qualify as manifestations of Hellenism in Iran, is difficult to establish. It is equally difficult to affirm whether the intellectual horizon of the Persian Church remained entrenched in the Hellenistic *paideia* in the fourth and fifth centuries upon it being institutionalized, for Sasanian Christianity to represent either an analogy for the development of the Bavli, or a possible source of inspiration, in discourse with which the Babylonian Talmud could have reclaimed

³ Most notable introductions are: Ehsan Yarshater, ed., *The Cambridge History of Iran*, vols. III, 1–2: *The Seleucid, Parthian, and Sasanian Periods* (Cambridge: Cambridge University Press, 1983); Richard Nelson Frye, *The History of Ancient Iran*, Handbuch der Altertumswissenschaft, Abteilung 3, Teil 7 (München: C. H. Beck'sche Verlagsbuchhandlung, 1984); Josef Wiesehöfer, *Ancient Persia: From 550 BC to 650 AD*, trans. Azizeh Azodi (London: I. B. Tauris Publishers, 1996); and most recently Touraj Daryaee, *Sasanian Persia: The Rise and Fall of an Empire* (London: I. B. Tauris Publishers, 2009).

⁴ See notably Seth Schwartz, "The Political Geography of Rabbinic Texts," in *The Cambridge Companion to The Talmud and Rabbinic Literature*, eds. Charlotte Elisheva Fonrobert and Martin S. Jaffe (Cambridge: Cambridge University Press, 2007), 89–90.

⁵ See the intriguing article penned by Daniel Boyarin, "Hellenism in Jewish Babylonia," in *The Cambridge Companion to The Talmud and Rabbinic Literature*, 336–63.

⁶ For a recent and ongoing investigation of the evolution of the Persian Church and its doctrine, see Christelle Jullien and Florence Jullien, *Apôtres des confins: Processus missionnaires chrétiens dans l'empire iranien*, ed. Rika Gyselen, Res Orientales 15 (Leuven: Groupe pour l'Étude de la Civilisation du Moyen Orient, 2002; distributed by E. Peeters), 189–200; 206–15; 224–25; see also Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford University Press), 1–12.

unique and reveals the invaluable role of the Babylonian Talmud in offering us an alternative perspective, a popular and unofficial vantage-point from which to observe the Sasanian administrative hierarchy.

In "Talmudic Attitudes toward Dream Interpreters: Preliminary Thoughts on their Iranian Cultural Context," Kalmin demonstrates that the Greek, Roman, Iranian, and Armenian evidence of the role of the Magi as dream interpreters helps us begin to explain perplexing features of the Babylonian Talmud's attitudes toward professional dream interpreters. The rabbis who were the dominant force behind the transmission and editing of the Babylonian Talmud were strongly opposed to professional dream interpretation, perhaps because they wished to differentiate themselves from Magi and because they wished to minimize the influence these religious virtuosos had over Babylonian Jews. Kalmin suggests that the Babylonian rabbinic response to the competition and threat posed by the Magi was the same as their response to other potentially or actually powerful groups, both within the Babylonian Jewish community and without.

In "Allusions to Sasanian Law in the Babylonian Talmud," Maria Macuch examines Sasanian legal terminology within the Bavli and reaches intriguing conclusions as to the Babylonian sages' extensive knowledge of Sasanian jurisprudence and their ability to manipulate Sasanian laws to the benefit of their own community. Indeed, Sasanian legal terminology was adopted in order to refer to the well-defined legal concepts of the imperial courts, or alternatively translated from the original, in order to blur the precise meaning of the original concept, which might have been detrimental to the Jewish community. Both activities are a good gauge of the Jewish community's familiarity with Sasanian Law and their integration in Sasanian life.

Jason Mokhtarian's article, "Rabbinic Depictions of the Achaemenid King Cyrus the Great: The Babylonian Esther Midrash (bMeg. 10b-17a) in Its Iranian Context," investigates the depictions of the Achaemenid kings and Cyrus the Great within the Rabbinic literature of the Sasanian era, especially as found in *Babylonian Esther Midrash*. In this article, he demonstrates that interpretations of the Babylonian sages have been greatly influenced by the Sasanian dynasty's limited memory of their predecessors, eventually leading to a decrease of knowledge of the Persian past within the Rabbinic tradition as well. The study thus makes a case for the extent to which the Iranian Jewry of Babylon was partaking in the *collective* intellectual currents of the Persian Empire.

In "Rabbinic and Zoroastrian Legal Literature," Shai Secunda illustrates how rabbis and Zoroastrian priests practiced similar rituals and held comparable beliefs. Indeed, the rabbis were enthusiastic contributors to the "splendid confusion" of Sasanian Mesopotamian religious life. Furthermore, Secunda considers the implications of source-critical approaches to Pahlavi

Our volume begins with an overview of studies in the Babylonian Talmud. "A Generation of Talmudic Studies," by David Goodblatt, highlights major developments in this rich subfield of rabbinic literature. Goodblatt begins by using his survey of studies in Talmud, published in 1979, as the base for examining developments that have taken place since then. He notes that in terms of methodology text critical scholarship on Babylonian Talmud has not moved much beyond where it was in the 1970's. Text scholars of the Talmud have continued to carry out the agenda set for research on rabbinic literature by such mid-twentieth century luminaries as Epstein, Lieberman, Margulies and E. S. Rosenthal. As early as 1910, Alexander Marx outlined this textual course of study for the Babylonian Talmud. While the methodology of transcribing manuscripts and collating variants may be conservative and pre-1979, technological developments have allowed significant advances. As Goodblatt notes, the digital revolution that followed took the availability of such evidence to a new level thanks to compact disks and the Internet. Pride of place goes to the Sol and Evelyn Henkind Talmud Text Databank of the Saul Lieberman Institute for Talmudic Research at The Jewish Theological Seminary. Goodblatt furthermore discusses in great detail S. Friedman's two-source theory, and Rubenstein's work. He also surveys the work of Kalmin, Elman, and others whose foray into the field has begun to yield significant insights.

"Toward an Intellectual History of Sasanian Law: An Intergenerational Dispute in *Hērbedestān* 9 and Its Rabbinic and Roman Parallels," Yaakov Elman's contribution to the volume, suggests that engaging in the effort to construct an intellectual history of Sasanian law may lead to an even more exciting prospect: a joint intellectual history of Sasanian Jewish rabbis and Sasanian Zoroastrian *dastwars*. Excavating Middle Persian texts with an eye toward understanding Sasanian society and culture as it sheds light upon the Bavli, Elman has forged a new path.

In an effort to understand the administrative hierarchy of the Sasanian Empire, in his article, "Persia in Light of the Babylonian Talmud: Echoes of Contemporary Society and Politics: *hargbed* and *bidaxš*," Geoffrey Herman examines two Sasanian titles, the *hargbed* and the *bidaxš*. In the first case, he attempts to show that this key Sasanian title is reflected in the Babylonian Talmud in striking accordance with the contemporary epigraphic Iranian evidence. To this end, the pertinent rabbinic sources are submitted to a source critical analysis. In the second case, he assesses the proposal of Theodor Nöldeke and a number of subsequent Iranists that the *bidaxš* is attested in the Babylonian Talmud. To that end, he focuses on evaluating the manuscript evidence. While with the *hargbed* the identification of the Sasanian title is not in question, for the *bidaxš* it is particularly the context in which the title appears that can contribute to its identification. In both cases, however, it is precisely the portrayal of these titles, their "context," that is

A Generation of Talmudic Studies*

DAVID GOODBLATT

By common consent the Babylonian Talmud (hereafter: BT) is, in whole or in large part, the product of the period when southern Mesopotamia was part of the Sasanian Empire. Consequently it is a logical assumption that the Iranian political and cultural context of the Sasanian era may illuminate the contents of BT. Conversely, BT itself may shed light on the Sasanian background. As a first step in examining "The Talmud in Its Iranian Context," the nature and origins of BT require clarification. The invitation to review the scholarship of the past generation on these subjects gave me the opportunity to revisit a thirty-year old publication of mine on precisely the same topic – though obviously covering an earlier era. This was a survey, published in 1979, of BT research during the half century from the mid 1920's to the mid 1970's.¹ My plan is to use that survey as a baseline and see how scholarship has progressed in the three decades that have elapsed since then. My article had focused on the BT as a document rather than on its contents. Three of the four sections that followed the introduction dealt with classic philological issues: the text, the languages, and then source, form, and redaction criticism. The final section, entitled "*Hilfsbücher* and Related Works," was the "kitchen sink" that treated everything else including "Related Fields" such as history, archaeology, geography, *realia*, religion, and law. Since other contributors will address these fields, I will retain my original focus on literary and philological matters.

One development worth noting at the start is the proliferation of scholarly surveys on BT that have appeared since my own attempt. I list them in chronological order. The 1980's saw the appearance of S. Z. Havlin, "Talmud bavli," *Encyclopaedia Hebraica*, vol. 32 (Jerusalem: Encyclopaedia Publishing, 1981), 857–95; the relevant parts of Günter Stemberger's 1982 revision of Strack's *Einleitung in Talmud und Midrash* (München: C. H.

* The following is an edited version of a talk given on May 6, 2007. My thanks to Professors Carol Bakhos and M. Rahim Shayegan for inviting me to participate and to the distinguished group of scholars in attendance who made many helpful comments. I am further indebted to Professors Bakhos and Shayegan for their sage editorial advice

¹ David Goodblatt, "The Babylonian Talmud," in *ANRW*, part 2, vol. 19, 2, ed. Wolfgang Haase (Berlin; New York: De Gruyter, 1979), 257–336. Reprinted in Jacob Neusner, ed., *The Study of Ancient Judaism*, vol. 2 (New York: KTAV, 1981), 120–99. The reprint shows the original pagination also.

and rabbinic literature in an effort to compare not just the lifestyles of Babylonian rabbis and their Iranian neighbors, but the production of their legal texts. Textual composition can serve as yet another arena for scholars to explore the similarities and differences between Sasanian rabbis and Zoroastrian priests. A joint investigation of textual production will allow scholars to further consider questions of influence, relationships, and other such engagements. Although Talmudic source criticism has made significant headway, many important questions remain unanswered – or at least unconfirmed. The relatively uncharted terrain of Pahlavi literature can greatly benefit scholars of the Babylonian Talmud who wish to test their recently developed philological tools on a new data-set.

The Jewish custom of avoiding talk at mealtime, as well as the custom of wearing a girdle among Jews who lived under Iranian rule became an element in the discourse between Jews and Iranians. Both practices, as Saul Shaked argues in “‘No Talking during a Meal’: Zoroastrian Themes in the Babylonian Talmud,” are highly meaningful ritual requirements in Zoroastrianism. Both, however, never gained a status of legal requirement in Judaism, but rather are valued in terms of social etiquette.

Prods Oktor Skjærvø’s contribution, “On the Terminology and Style of the Pahlavi Scholastic Literature,” is a meticulous study of the technical terminology and style of Zoroastrian Middle Persian writings (Pahlavi), especially of the translations and the exegesis (*Zand*) of Avestan texts, composed well over a millennium before the Middle Persian exegetical tradition. It is a most fundamental treatise, as it provides a guide to scholars interested in the Pahlavi literature on how to understand and interpret Middle Persian Zoroastrian sources for comparative purposes.

The final article in the volume, “Relentless Allusion: Intertextuality and the Reading of Zoroastrian Interpretive Literature,” by Yuhan Sohrab-Dinshaw Vevaina, represents an important methodological endeavor within the study of Zoroastrian exegesis (*Zand*) under the Sasanians. Due to the paucity of methodological interpretative approaches in Zoroastrian Studies, and because the Middle Persian exegetical literature shares certain striking structural similarities with the Midrash and its multiple layers of interpretations, the author draws on the paradigm of “intertextuality,” as used in midrashic studies, to articulate new strategies for reading Middle Persian interpretive literature. He thereby not only offers Iranists a most welcome tool, but also provides scholars of Jewish studies and comparative religion with an untapped source for the comparative study of exegesis and hermeneutics.

Carol Bakhos
M. Rahim Shayegan
Los Angeles, June 2010

a single – if perhaps collective – authorial mind.⁴ Without going this far, Milikowsky argued for the redactional identity of rabbinic works even if, as in the case of BT, there was no “one absolute Urtext.”⁵ Jaffee proposed a compromise solution according to which rabbinic works fall along a spectrum. At one end are “highly composed” works that show a lot of conscious redactional intervention, like the Mishnah. At the other end of the spectrum are “uncomposed,” agglutinative works showing no overall design on the part of the compiler, such as the *hekhalot* texts.⁶ BT would seem to be closer to the Mishnah end of the spectrum than to the one exemplified by latter.

In discussing the text of BT, my starting point was the work as it stood around the end of the eighth century. That is, I relied on the arguments Assaf adduced over half a century ago to show that an identifiable BT existed by that time – however much it remained subject to “later transmissional intervention.” By the late eighth century, Assaf argued, deliberate and promiscuous additions to the text of BT ceased, independent paratalmudic works began to appear, and according to geonic tradition a written text of the Talmud had been produced in Spain by an expatriate Babylonian.⁷ Trying to get back before this date raises issues of redaction criticism to be discussed below. In any case, an important textual discovery since 1979 has in effect proven Assaf’s position. This is a fragment of a manuscript of BT Hullin, containing about 5 folios out of the 141.5 of the standard edition (101a-105a), discovered by Marc Bregman and reported on by him in 1983.⁸ What is so important about this fragment is that it is in the form of a scroll, not a codex. As such, it may date from before the time when Jews adopted the codex form. S. Naeh asserts on the one hand that the shift from scroll to codex “did not become established [*lo qanah lo ahizah*] among Jewish scribes before the eighth century ...” On the other hand, he claims, “around the end of the seventh century they ceased to write [rabbinic texts] on

⁴ Neusner, *Introduction to Rabbinic Literature* (New York: Doubleday, 1994). See a summary of Neusner’s position in Martin S. Jaffee, “Oral Tradition in the Writings of Rabbinic Oral Torah: On Theorizing Rabbinic Orality,” *Oral Tradition* 14 (1999): 15–20.

⁵ Chaim Milikowsky, “The Status Quaestionis of Research in Rabbinic Literature,” *JJS* 39 (1988): 201–11, especially 208–09 on BT.

⁶ Jaffee, “Oral Tradition in the Writings of Rabbinic Oral Torah,” 22–23.

⁷ See Goodblatt, “Babylonian Talmud,” 264–65; compare Shamma Friedman, “The Printing of the Talmud in the Computer Age,” in *Printing the Talmud: From Bomberg to Schottenstein*, eds. Sharon L. Mintz and Gabriel Goldstein (New York: Yeshiva University Museum, 2005), 146.

⁸ Marc Bregman, “An Early Fragment of Avot de Rabbi Natan from a Scroll,” *Tarbiz* 52 (1983): 201–22 (Hebrew). The fragment has been studied and discussed by Friedman, “An Ancient Scroll Fragment (B. Hullin 101a-105a) and the Rediscovery of the Babylonian Branch of Tannaitic Hebrew,” *JQR* 86 (1995): 9–50; and Yaakov Elman, “The Small Scale of Things: The World Before the Genizah,” *PAAJR* 63 (1997–2001): 72–73.

Beck, 1982), which appeared in English in 1991 in the UK (Edinburgh : T & T Clark) and in 1992 in the US (Minneapolis: Augsburg Fortress); A. Goldberg, "The Babylonian Talmud," in *The Literature of the Sages* [CRINT I. 2. iii], ed., S. Safrai (Assen: Van Gorcum and Philadelphia: Fortress, 1987), 323–45, with an addendum by M. Krupp, "Manuscripts of the Babylonian Talmud," 346–66; and B. Bokser, "Talmudic Studies," in *The State of Jewish Studies*, eds., S. J. D. Cohen and E. L. Greenstein (Detroit: Wayne State University Press, 1990), 80–112. From the following decades there is Stemmerger's thoroughly revised and updated *Einleitung* that appeared under his name alone in German in 1992 (München: C. H. Beck, 1992) and in an English translation updated through Spring 1995 that appeared in 1996 (Edinburgh: T & T Clark); S. Friedman and L. Moscovitz, "Talmud," in *The Oxford Dictionary of the Jewish Religion*, eds. R. J. Z. Werblowsky and G. Wigoder (New York; Oxford: Oxford University Press, 1997), 668–72; C. Hezser, "Classical Rabbinic Literature," in *The Oxford Handbook of Jewish Studies*, ed., M. Goodman (Oxford: Oxford University Press, 2002), 115–40; R. Kalmin "The Formation and Character of the Babylonian Talmud," in volume IV of *Cambridge History of Judaism*, ed., S. T. Katz (Cambridge: Cambridge University Press, 2006), 840–76; S. G. Wald, "Talmud, Babylonian," in the *Encyclopaedia Judaica, Second Edition*, vol. 19 (Detroit: Thomson Gale, 2007), 470–81; and the relevant sections of *The Cambridge Companion to the Talmud and Rabbinic Literature*, eds. C. Fonrobert and M. S. Jaffee (Cambridge: Cambridge University Press, 2007).

Moving to specifics, I begin with a topic I had not addressed in my earlier article. In light of debates that surfaced in the 1980's, one needs to justify the treatment of the BT as a unitary work. I had pointed out that the BT reached its "present state" only in the nineteenth century in the widely circulated and influential Romm edition (Vilna: 1880–1886).² This observation partially anticipated Peter Schäfer's claim that the final redaction of a rabbinic work might be the work of a modern editor. In any event, Schäfer's main point was the difficulty of identifying individual rabbinic works in the face of fluid text traditions. Consequently he was critical of our tendency "to consider the texts of rabbinic literature as 'identities,' simple, self-contained, composed at a given moment, and thus clearly distinguishable from one another."³ As Milikowsky observed, Schäfer clearly was influenced by his work on the *he-khalot* texts that do show an extreme fluidity of identity. At the opposite extreme from Schäfer is Neusner's claim, from the mid 1990's, that rabbinic documents including BT disclose the workings of

² *Ibid.*, 264.

³ Peter Schäfer, "Research into Rabbinic Literature: An Attempt to Define the Status Quaestionis," *JJS* 39 (1986): 139–52; *idem*, "Once Again the Status Quaestionis of Research in Rabbinic Literature: An Answer to Chaim Milikowsky," *JJS* 40 (1989): 89–94 with quotation from latter article, 89.

While the methodology of transcribing manuscripts and collating variants may be conservative and pre-1979, technological developments have allowed significant advances. In my article I remarked that “technology facilitates textual research,” but all I had in mind was the availability of photographs of manuscripts. The digital revolution that followed took the availability of such evidence to a new level thanks to compact disks and the Internet. Pride of place goes to the Sol and Evelyn Henkind Talmud Text Databank of the Saul Lieberman Institute for Talmudic Research at The Jewish Theological Seminary of America. The databank consists of transcriptions of some 250 BT manuscripts and editions, 750 genizah fragments and also digital photographs of some manuscripts. One calls up the desired BT passage and it is displayed line-by-line, with each line given as it appears in the available witnesses one above the other. One thus sees a horizontal synopsis, as opposed to the vertical synopsis format of parallel columns adopted by Schäfer and Becker for their edition of the Palestinian Talmud.¹⁴ Another digital resource is the Online Treasury of Talmudic Manuscripts from the Jewish National and University Library, the David and Fela Shapell Family Digitization Project and the Hebrew University Department of Talmud. Here one can read BT directly from photographs of major manuscripts. As Friedman already intimated in his review of the Diquduq Sofrim Hashalem project, these two resources obviate the need for a printed scholarly edition of BT. Indeed, only a digital version could present all the variations including the most minute, such as (the apparently but not necessarily) “minor” differences in spelling.

In this context two other projects deserve mention. The Bar Ilan Responsa Project, first on compact disk and now online, includes the texts of essentially all classical rabbinic works. While the texts are the standard printed editions, the search capacities of the program are extremely useful. Indeed, the Bar Ilan project can replace the 42 volumes of the printed word concordance to BT and the five volumes of the name concordance, each completed in the 1980's and also based on the standard editions.¹⁵ Another project first available on compact disk and now online is the Academy of the Hebrew Language's *Ma'agarim*, a collection with search capacities of the classical texts used as the data base for the Academy's Historical Dictionary of the Hebrew Language: Ancient Language Section. Originally, a single

¹⁴ Schäfer and Hans-Jürgen Becker, eds., *Synopse zum Talmud Yerushalmi*, vols. 1–, (Tübingen: Mohr Siebeck, 1991–).

¹⁵ Chayim and Biniamin Kasovsky, *Thesaurus Talmudis: Concordantiae verborum quae in Talmude Babilonico reperiuntur*, 42 vols. (Jerusalem: Ministry of Education and Culture, Government of Israel and Jewish Theological Seminary of America, 1954–89) (Hebrew); and Kasovsky, *Thesaurus Nominum quae in Talmude Babilonico reperiuntur*, 5 vols. (Jerusalem: Ministry of Education and Culture, Government of Israel and Jewish Theological Seminary of America, 1976–83) (Hebrew).

scrolls.”⁹ The first formulation is preferable to the definitive form of the second. The transition from scroll to codex in the Greco-Roman world began in the first century and was not essentially complete until the fourth.¹⁰ So while it is conceivable that our Hullin scroll dates as early as the seventh century, it is also possible that conservative Jewish scribes might have continued to use the scroll format into the ninth century. And even a ninth century provenance would be early enough to account for the features of the text delineated by Friedman. A full codicological and paleographic study may enable us to fix the time of this fragment more definitively. In the meantime it appears we now have conclusive evidence for a written form of BT – essentially the same version we know today – from about the date suggested by Assaf.

In terms of methodology text critical scholarship on BT has not moved much beyond where it was in the 1970’s. The approach continues to be, as Milikowsky characterized it, “extremely conservative.” As he notes, no one has attempted to construct a truly critical edition that seeks to achieve a better text than what is preserved in the extant manuscripts.¹¹ Instead, BT text scholars have continued to carry out the agenda set for research on rabbinic literature by such mid-twentieth century luminaries as Epstein, Lieberman, Margulies and E. S. Rosenthal, and indeed outlined for BT as early as 1910 by Alexander Marx. The agenda has two parts. The first is to make the extant witnesses available especially by publishing transcriptions of manuscripts and collations of variant readings. The second step is to attempt to group the evidence into identifiable families of text types or branches of transmission or versions.¹² An example of the first part of the agenda is the Diquke Soferim Hashalem project sponsored by The Complete Israeli Talmud Institute of the Rav Herzog Foundation that began publishing in 1972. This project collates variant readings from manuscripts, genizah fragments, early printings as well in citations of *ge’onim* and *rishonim*. The variants are keyed to a base text that is the Vilna edition of BT. By 1996, when Shamma Friedman devoted a review essay to the project, 11 volumes on the BT had appeared covering only four (Yevamot, Ketuvot, Nedarim, Sotah) of the 37 tractates. So completing the project could require as many as 100 volumes.¹³

⁹ Shlomo Naeh, “The Structure and Division of *Torat Kohanim* (a)–Scrolls,” *Tarbiz* 66 (5757): 483–515 (Hebrew). The quotations are from 502 and 515 respectively (my translation).

¹⁰ See the table in Colin H. Roberts and Theodore C. Skeat, *The Birth of the Codex* (London: Oxford University Press for the British Academy, 1983), 37.

¹¹ Milikowsky, “Review of R. Ulmer, ‘A Synoptic Edition of *Pesikta Rabbati*,’” *JQR* 90 (1999): 139–49. The quotation is from 141 and the observation cited is from 138.

¹² See Goodblatt, “Babylonian Talmud,” 271–73 for references.

¹³ Friedman, “Variant Readings in the Babylonian Talmud: A Methodological Study Marking the Appearance of 13 Volumes of the Institute for the Complete Israeli Talmud’s Edition,” *Tarbiz* 68 (5759): 129–62 (Hebrew).

cological and paleographic features, viz., Ashkenazic, Spanish and Yemenite. The fourth group, which corresponds to none of the established geographic areas, he designates as Mediterranean. Members of this fourth group may share codicological or paleographic features with one of the other groups, but their linguistic character is different. The Mediterranean group displays linguistic characteristics known from geonic literature and genizah fragments. Interestingly enough, the Ashkenazic group, along with the Mediterranean, displays many linguistic features considered diagnostic of Palestinian texts by the pre-1979 scholarship. By contrast, exemplars of the Spanish group, considered since medieval times to be the most accurate texts, seem to present a scholastically edited linguistic tradition.²² If so, then there is room to suspect that the contents of these texts, not just their external form, also underwent deliberate scribal interference.

In fact, one *can* move beyond linguistics and orthography and discern text types in the manuscripts using internal criteria. Yaakov Elman recently summarized research establishing longer and shorter versions of the BT text in a number of cases.²³ Hezser refers to the shorter type as more conservative and the longer as more creative, implying that the short text is more original.²⁴ Whether this is always the case, or whether a shorter text might be an edited version of a longer original must still be addressed. In any event, Friedman demonstrated such a duality of versions for Chapter 6 of BT Bava Mezia in his edition of the text of this chapter. The shorter version appears in MS Hamburg 165 (1184) and genizah fragments, while MS Florence 8 (twelfth century) and MS Munich (1342) reflect the longer version. Longer and shorter versions were found by Adiel Shremer for Chapter 1 of Mo'ed Qatan and by Moshe Benovitz for Chapter 3 of Shevuot.²⁵ One notes that this last group of studies treats individual chapters. Friedman raised the possibility that dramatically divergent text types may characterize only a minority of tractates, or parts thereof, while the majority may exhibit a uniform text tradition.²⁶ In fact, Brody reported the conclusion of Boyarin that the

²² Friedman, "Ancient Scroll Fragment," 17–18.

²³ Elman, "Small Scale of Things," 73–74.

²⁴ Hezser, "Classical Rabbinic Literature," in *The Oxford Handbook of Jewish Studies*, ed. Martin Goodman (Oxford: Oxford University Press, 2002), 119.

²⁵ See Friedman, *Talmud Arukh: BT Bava Mezi'a VI, Critical Edition with Comprehensive Commentary*, Text Volume (New York and Jerusalem: Jewish Theological Seminary of America, 1996) (Hebrew); Adiel Shremer, "The Manuscripts of Tractate Mo'ed Qatan," *Sidra* 6 (1990): 121–50 (Hebrew); *idem*, "Between Text Transmission and Text Redaction: A Different Recension of Mo'ed-Qatan from the Genizah," *Tarbiz* 61 (1991–92): 375–99 (Hebrew); and Moshe Benovitz, "Shne anfe Nusah shel Pereq Shevu'ot Shtayyim Batra baBavli," *Sidra* 10 (1994): 5–38.

²⁶ Friedman, "Le'ilan-Hayuhasin," 94.

manuscript was selected for each tractate of BT, but apparently now additional manuscripts are being added.

The tremendously enhanced availability of the witnesses also encouraged progress in the second step of the agenda, the identification of text types/transmissional families/versions. Almost a century ago, Alexander Marx argued that before attempting critical, eclectic editions of BT, scholars should first identify the different text types attested in the manuscripts.¹⁶ Even Schäfer and Milikowsky, who disagree on so much else, agree on the importance of this task. Schäfer sees the investigation of the textual traditions and families of the various manuscripts as a necessary preliminary to the delineation of the boundaries of distinct works of rabbinic literature.¹⁷ Milikowsky concedes that for a work like BT it is not feasible "to separate the study of the text ... from the study of the reception history ... [which] cannot be detached from transmissional variation, and it therefore becomes important to distinguish between [*sic*] the independent lines of transmission."¹⁸ In 1979, only a few steps had been taken towards carrying out this project for BT, for example in a 1963 study of one passage from Pesahim by E. S. Rosenthal.¹⁹ Rosenthal continued his investigation of the extant witnesses to BT Pesahim in the introduction to his publication of a manuscript of that tractate and in a further article.²⁰ Around the same time Shamma Friedman published a stemma for the manuscripts of BT Bava Mezia. With the material of the Henkind Talmud Text Databank accumulating, Friedman subsequently pursued this approach with other tractates.²¹ Using the reasonably objective criteria of orthography and linguistic features, Friedman divided the manuscripts into four groups. Three of the groups coincide with geographical classifications previously established on the basis of codi-

¹⁶ Alexander Marx, "Pereferkowitz's Edition of Berakhot," *JQR* n.s. 2 (1910–11): 279–85.

¹⁷ Schäfer, "Research into Rabbinic Literature," 151.

¹⁸ Milikowsky, "Review of Ulmer," 142.

¹⁹ Eliezer Rosenthal, "Rav, Ben-Ahi R. Hiyya Gam Ben-Ahoto? (Perat Ehad Letoldot Hannusah shel Habbavli)," in *H. Yalon Jubilee Volume*, eds. Saul Lieberman et al. (Jerusalem: Kiryat Sefer, 1963), 281–337.

²⁰ *Idem*, *The Pesahim Codex, Babylonian Talmud: the facsimile of the ca. 1447–1452 Provence [?] Manuscript Sassoon-Lunzer* (London: Valmadonna Trust Library, 1984); *idem*, "The History of the Text and Problems of Redaction in the Study of the Babylonian Talmud," *Tarbiz* 57 (5748): 11–36 (Hebrew).

²¹ Friedman, "Le'ilan-Hayuhasin shel Nushe Bava Mezi'a," *Mehqarim Besifrut Hatalmudit: Yom Iyyun leRegel Melo't Shemonim Shanah le-Sha'ul Lieberman* (Jerusalem: Israel Academy of Sciences and Humanities, 5743), 104–06; *idem*, "A Typology of the Manuscripts of the Babylonian Talmud Based on Orthographic and Linguistic Features," *Leshonenu* 57 (1992–3): 123–24 (Hebrew); *idem*, "The Manuscripts of the Babylonian Talmud: A Typology Based on Orthographic and Linguistic Features," in *Studies in Hebrew and Jewish Languages Presented to Shelomo Morag*, ed. Moshé Bar-Asher (Jerusalem: Bialik Institute, 1996), 163–90 (Hebrew).

research projects already underway by the middle of the twentieth century. I refer to the study of the pronunciation of BT Aramaic by various historic Jewish communities as preserved either in oral recitation, or in vocalized manuscripts. Of particular interest was the reading tradition of the Yemenite Jewish community because of its close ties with the Talmudic academies of Islamic Babylonia and the preservation into the twentieth century of its distinct linguistic traditions. In the period under review several major publications have appeared that document the Yemenite pronunciation of BT Aramaic and analyze the grammatical structure implicit in it.³¹ There have of course been many articles devoted to specific features of BT Aramaic, in the pages of the journal of the Academy of the Hebrew Language, *Leshonenu*, and elsewhere. Many of them deal with broad issues. For example, E. Wajsberg argues that comparing the language of earlier and later *amora'im* discloses a diachronic development of BT Aramaic. On the other hand, T. Harviainen argues that geonic Aramaic reflects not diachronic development, but rather a different dialect contemporaneous with the Aramaic of BT.³² One area in particular that has seen great advances is research on the aforementioned Aramaic magic bowl texts, more and more of which have been published since 1979. Sokoloff's exploitation of this material for lexicography has already been noted. Linguistic examination appears both in the publications of the texts and in separate, synthetic studies.³³

Yet another advance in the linguistic study of BT involves not Aramaic but Hebrew. Pre-1979 scholarship had already distinguished between the Hebrew of the *tanna'im* and the Hebrew of the *amora'im*, referred to by many as *mh*¹ and *mh*² respectively, with *mh* standing for either Mishnaic Hebrew or – as I prefer – Middle Hebrew. Further, that earlier scholarship distinguished between the amoraic Hebrew of the Palestinians and that of the Babylonians, *mh*^{2p} and *mh*^{2b} respectively. Each was a purely literary language unsupported by a living, spoken Hebrew. In 1979, we still lacked a

³¹ Yosef ben Aharon 'Amar, ed., *Talmud bavli menuqad al pi mesoret Teman*, 20 vols. (Jerusalem: Y. Amr, 1980); Yechiel Kara, *Kitve-yad ha-temaniyim shel ha-talmud ha-bavli, mehqarim bilshonam ha-aramit* (Jerusalem: Magnes, 1984); Shelomo Morag, *Aramit bemasoret Teman: leshon ha-talmud ha-bavli, mavo, torat ha-hegeh, utesurat ha-po'al* (Jerusalem: Ben-Zvi Institute, 1988); Morag and Kara, *Aramit bavlit bemasoret Teman: shem ha-esem* (Jerusalem: Magnes, 2002). Morag also published *Vocalised Talmudic Manuscripts in the Cambridge Geniza Collections*, vol. 1 (Cambridge: Cambridge University Press, 1988).

³² Eljakim Wajsberg, "The Aramaic Dialect of the Early Amoraim," *Leshonenu* 60 (1997): 95–156 (Hebrew). Tapani Harviainen, "Diglossia in Jewish Eastern Aramaic," *Studia Orientalia* 55 (1984): 97–113.

³³ Limiting mention to synthetic studies there is Hannu Juusola, *Linguistic Peculiarities in the Aramaic Magic Bowl Texts* (Helsinki: Finnish Oriental Society, 1999); Christa Müller-Kessler, *Die Stellung des Koiné-Babylonisch-Aramäischen innerhalb des Aramäischen: Kontexte, Texte, Grammatik*, ([Habilitationsschrift] Jena, 2002); eadem, *A Handbook of Magic Bowls in Koiné Babylonian Aramaic*, forthcoming from Brill.

manuscripts reflect a uniform text tradition for BT Nazir.²⁷ Textual research on a tractate by tractate basis, to say nothing of chapter by chapter, will obviously require a long time to complete. However, the methodology is established and the materials are available.

Careful study of the manuscripts has also resulted in advances concerning the languages of the BT. Here too, however, the basic agenda was set by the time I wrote my 1979 survey. Twentieth century scholars had identified the various dialects of classical rabbinic literature. They also recognized that crucial features of those dialects were often masked in the common printed editions because generations of copyists and printers had inadvertently or deliberately modified the orthography and morphology of the texts they received. Assimilating the divergent dialects to the best-known ones, they homogenized them. In a parallel phenomenon, lexicographers had tended to treat all the languages and dialects of rabbinic literature together. Among the desiderata listed in the 1979 article, expressed already by E. Y. Kutscher, were dictionaries devoted to each of the dialects separately.²⁸ This has been achieved for Aramaic. Students of BT can now benefit from Michael Sokoloff's *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*.²⁹ This work is part of the Comprehensive Aramaic Lexicon Project, the contents of which are also available on the project's website. Sokoloff does not limit himself to the BT, but includes the closely related dialects of geonic literature and the late antique magic texts. Previous students of BT Aramaic had exploited the latter groups of texts, along with the other Eastern Aramaic dialects of Syriac and Mandaic as well as Middle Iranian dialects. However, this is the first time the closely related but extratalmudic Jewish Babylonian materials were part of a dictionary's lexical database. The magic texts provide the only epigraphic attestations known so far of Jewish Babylonian Aramaic, and at least some of the geonic sources were found in early medieval copies from – or close to – a period when Babylonian Jews still spoke Aramaic. Sokoloff also was able to exploit the BT manuscripts to an extent that compilers of earlier dictionaries were not. In sum, Sokoloff advances the lexicographical enterprise by a giant step.

Moving from lexicography to grammar, there is to my knowledge still no replacement for Y. N. Epstein's flawed *Grammar of Babylonian Aramaic*.³⁰ But one can point to some progress since 1979. In part this is the result of

²⁷ See Robert Brody, "Sifrut Hage'onim vehateqst hatalmudi," in *Mehqerei Talmud: Talmudic Studies*, vol. 1, eds. Yaakov Sussman and David Rosenthal (Jerusalem: Magnes, 1990), 287 with n. 214.

²⁸ Goodblatt, "Babylonian Talmud," 281.

²⁹ Ramat-Gan: Bar Ilan University Press and Baltimore and London: The Johns Hopkins University Press, 2002.

³⁰ Jerusalem: Magnes and Tel Aviv: Devir, 1960 (Hebrew). See the critical comments of Edward Kutscher, "Mehqar Diquq Ha'aramit Shel Hatalmud Habavli," *Leshonenu* 26 (1962): 151–71.

rial constituted a relatively uniform, distinct source within BT, a source later than the attributed material. In 1979, I could attribute some version of the two-source theory to Julius Kaplan, Hyman Klein, S. M. Rubinstein, Avraham Weiss, Meyer Feldblum, David Weiss Halivni, and Shamma Friedman.³⁶

In the years since 1979 what I will continue for convenience to call the two-source theory has become widely accepted. Shamma Friedman, a central figure in the development of the theory, put it this way in a popular article that appeared in 2005:

[O]ver the last three decades an academic consensus has formed viewing the Babylonian Talmud as composed of two basic elements: a core of tannaitic and amoraic statements, and a later expansive, anonymous dialectic commentary woven around the earlier material, thus forming complex *sugyot*.³⁷

Similarly, in an introduction to the proceedings of an academic conference published that same year, Jeffrey Rubenstein wrote:

Critical Talmud study is founded on the distinction between two primary literary strata: *meimrot*, traditions attributed to named sages (the Amoraim, c. 200–450) on the one hand, and *setam hatalmud*, the unattributed or anonymous material, on the other. These literary strata differ in style: attributed traditions tend to be brief, apodictic statements of law; the anonymous material contains dialectical argumentation, commentary and analysis ... The consensus of academic Talmud scholars is that the two literary strata differ not only stylistically but chronologically: the anonymous material post-dates the attributed statements.³⁸

The question still debated is by how much does the anonymous stratum post-date the attributed material. Before engaging this issue, however, let us note additional arguments supporting the two-source theory have appeared since 1979.

One such argument for the distinction between the attributed sources and the anonymous material and for their chronological sequencing relies on the varying degrees of legal conceptualization in the two strata. In a book from 2002 Leib Moscovitz writes:

Much explicit conceptualization occurs only in the anonymous stratum, as do numerous specific applications of principles to particular cases – often very creative and innovative applications of these principles. Anonymous conceptualization thus seems more developed, at least literarily, than attributed conceptualization, and this

³⁶ Goodblatt, "Babylonian Talmud," 314–18.

³⁷ Friedman, "The Transmission of the Talmud in the Computer Age," in *Printing the Talmud*, 146.

³⁸ Rubenstein, "Introduction," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammim) to the Aggada*, Jeffrey Rubenstein, ed. (Tübingen: Mohr Siebeck, 2005), 1.

detailed study of *mh*^{2b}, though some work had been done and MS Columbia of BT *Pesahim* had been identified as reliable witness to this dialect. Now we have Y. Breuer's study of the Hebrew of that manuscript.³⁴ At the same time the whole question of the *mh* in BT was complicated by closer examination of the manuscript evidence. The result is a considerable revision of the received wisdom of 1979. On the one hand, Bar-Asher has argued that the Babylonian tradition of *mh*¹, even where it differs from that in Palestinian documents, has preserved features that are original to the Palestinian matrix of the dialect. On the other hand and as already noted, Friedman argues that some features considered unique to Palestinian sources and so diagnostic of Palestinian provenance are actually well attested in more pristine Babylonian manuscripts.³⁵ While the study of *mh* is somewhat outside our purview, it is clear that advances in textual study of BT have important ramifications for this topic.

After dealing with the text and languages of BT, my 1979 survey moved on to source, form, and redaction criticism. Here I noted the emergence of a new consensus that involved all three of these areas of inquiry. A diverse group of twentieth century scholars had isolated two distinct layers in the body of BT: on the one hand the sources attributed to named masters and, on the other, the unattributed or anonymous (often referred to by the Hebrew term *stam*, or the derived English neologism "stammaitic") material. Borrowing from New Testament scholarship, I called this the two-source theory. The unattributed layer was distinguished by additional formal and linguistic characteristics, such as use of Aramaic and discursiveness. Much of the unattributed material was editorial in content and so clearly later than the attributed sources that it arranged, connected, and glossed. Further, the editorial process was often highly creative. Attributed sources often served as building blocks for the construction of original and elaborate dialectical passages. Many earlier scholars had noted these anonymous, editorial frameworks surrounding the attributed material. However, since they were often intertwined with attributed sources, it appeared that named masters (*amora'im*) were reacting to the framework. This led to the view, still argued by some today, that BT accumulated over time edited layer after edited layer, with each layer containing attributed sources and anonymous framework. However, proponents of the two-source theory increasingly argued that the intertwining was often secondary, as later editors interpolated their contributions into the attributed sources. On this view the anonymous mate-

³⁴ Yochanan Breuer, *The Hebrew in the Babylonian Talmud according to the Manuscripts of Tractate Pesahim* (Jerusalem: Magnes, 2002) (Hebrew).

³⁵ See Mosheh Bar-Asher, "The Different Traditions of Mishnaic Hebrew," in "Working with No Data": *Semitic and Egyptian Studies Presented to Thomas O. Lambdin*, ed. David Golomb (Winona Lake: Eisenbrauns, 1987), 1–38; Friedman, "Ancient Scroll Fragment."

ever, scholars disagree on the following questions concerning the unattributed material. First, is the anonymous layer always, or usually, later than the attributed sources? In other words, is the unattributed material generally post-amoraic? Second, if so, then how much later? In his 1989 study, Richard Kalmin surveyed three theories on the dating of the anonymous layer. They were (1) the theory of continuous formation throughout the amoraic era; (2) the theory of his mentor David Weiss Halivni that assigned this layer to the masters, dubbed by Halivni the *stamma'im* and assigned by him a *floruit* of ca. 425–500 – a dating Halivni would subsequently revise drastically, as we shall see below; and (3) the view that the post-500 masters, known from geonic tradition as the *savora'im*, created it. Kalmin concluded “tentatively” that “the Talmud’s anonymous commentary was composed entirely by the Saboraim ...”⁴³ Subsequently, Kalmin qualified his position somewhat. In his most recent statement, he is hesitant to invoke the *savora'im* in view of the continuing debate concerning their dates and even their existence. He now concludes, citing Friedman, that the anonymous material “tends” to postdate the amoraic layer. But some of it may come from the amoraic era – if not the earliest part thereof.⁴⁴ Brody goes further, asserting “a relatively large number of anonymous statements may be shown to belong to the Amoraic period,” though he does not quantify more precisely.⁴⁵

A more detailed argument appears in Sussmann, the source of Kalmin’s suggestion that framework material of amoraic provenance would come only from the fourth century on. Before that period, Sussmann argued, the Babylonian material would probably share the more loosely edited and less dialectically developed character of the *sugyot* or units in the Palestinian Talmud, which reached its current state towards the end of the fourth century. Sussmann in fact suggested three layers in place of the two-source theory, or better, three stages in the development of BT: early amoraic, later amoraic, and post-amoraic.⁴⁶ An observation of Elman reinforces this

⁴³ Richard Kalmin, *The Redaction of the Babylonian Talmud: Amoraic or Saboraic?* (Cincinnati: Hebrew Union College Press, 1989), with quotation from page 89. And see David W. Halivni, *Midrash, Mishnah and Gemara: The Jewish Predilection for Justified Law* (Cambridge, Mass.: Harvard University Press, 1986), chapters 5–6. As will be noted below, Halivni subsequently modified his view.

⁴⁴ Kalmin, “The formation and character of the Babylonian Talmud,” in *The Cambridge History of Judaism*, vol. IV: *The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge University Press, 2006), 842, 840, 845, and see the example of [late] amoraic anonymous commentary on 862–67.

⁴⁵ Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998), 6, n. 12.

⁴⁶ Yaakov Sussmann, “Veshuv Iirushalmi neziqin,” in *Mehqerei Talmud: Talmudic Studies*, vol. 1, eds. Yaakov Sussman and David Rosenthal (Jerusalem: Magnes Press, 1990), 100–14.

suggests that the anonymous material, or at least a large part of it, is later than attributed material.³⁹

Moscovitz's argument, like much of the scholarship on this topic, focuses on halakhic or legal material. An analogous argument in favor of the two-source theory emerges from the study of the non-legal or aggadic material in BT. Literary scholars in particular have observed how anecdotes, attested in (earlier) Palestinian works, appear in BT combined into more extensive and more elaborate narratives. Even the simple combination or juxtaposition of stories originally circulating separately often gave them new meanings. Sometimes the BT version reflected the insertion of specifically Babylonian *realia* or revisions in plot and characterization. A good example of this approach comes from a literary scholar who did not herself use the concept of the two-source theory, Ofra Me'ir. In her study of the stories concerning Judah the Patriarch she shows in detail how the BT, while using earlier (Palestinian) materials, constructed elaborate, new narratives that transformed the image of Judah.⁴⁰ Jeffrey Rubenstein claims this was the work of the editors who created the anonymous stratum of BT. For example, he revisits my own analysis of the narrative from the end of BT Horayot about the attempted deposition of Simeon son of Gamaliel II. I had argued that the author(s) of this section took Palestinian sources and created a new narrative full of Babylonian concepts, and institutions. However, I attributed this creative activity to the *amoraim*, even though the concepts and institutions I noted were clearly quite late. Rubenstein has convinced me that the reshaping of the Palestinian materials in this case is best attributed to the post-amoraic era.⁴¹ In any event, studies of the contribution of the creators of the *stam* layer to the development of BT narrative material have yielded impressive results over the past three decades.⁴²

While the recognition of the two stylistically distinct layers of BT seems to be universally accepted, the chronological issue remains open. The sources attributed to named masters can presumably be dated to the period in which those masters flourished – unless one wants to argue everything is pseudonymous. While there is disagreement around the margins, as will be noted below, most scholars tend to accept the traditional dating according to which the Babylonian *amora'im* flourished between 200 and 500 C.E. How-

³⁹ Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002), 357.

⁴⁰ Ofra Meir, *Rabbi Judah the Patriarch: Palestinian and Babylonian Portraits of a Leader* (Tel-Aviv: Hakibbutz Hameuchad, 1999) (Hebrew).

⁴¹ Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), 176–211.

⁴² See *ibid.*, and Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003); and the articles by various scholars collected in Rubenstein, ed., *Creation and Composition*. In his "Introduction" to the latter volume, 3–10, Rubenstein reviews the history of this approach from about 1980 on.

savora'ē). Sherira claims most of them died within a short period. The earliest death dates he gives are Spring 815 S.E. = 514 C.E., and late winter 816 S.E. = 515 C.E. (Iggeret, ed. Lewin, 97–98). After listing a number of *savora'im*, Sherira begins his record of *ge'onim* from 900 S.E. = 589 C.E. (Iggeret, ed. Lewin, 99–100). This last date appears as 689 in Abraham ibn Daud's *Sefer Haqabbalah* from 1160/1. On the basis of this information, a post-amoraic dating means after 500, and a *savora'ic* dating would mean between 500 and 589 or 689. This is precisely the time frame adopted by Elman for the formation of BT with its two strata. As he puts it, "The centuries between the close of the amoraic period, say with the death of Ravina II in 500, and the opening of the geonic period circa 589 (or 689) is the time during which the Babylonian Talmud took much the form it has now."⁵³ Brody has argued, convincingly to me, that we should accept Sherira's chronology and begin the Geonic period in 589 – thus presumably limiting the *savora'im* to the sixth century.⁵⁴ With Brody's acceptance that BT as we know, is what the *savora'im* handed on to the *ge'onim*, he in effect dates the completion of BT to this period.

There is dissent from the sixth century dating of (most of) the anonymous stratum and the completion of BT. As mentioned above, Halivni in earlier publications had dated those responsible for these developments, the *stamma'im*, to the period 425–500. This, of course, overlaps with the final 75 years of the amoraic era as commonly dated. Halivni, however, identified the Ravina who was the "end of *hora'ah*" with the earlier master of that name who died around 425.⁵⁵ Although he gives no explanation, Rubenstein in the quotation cited above gave 200–450 as the years of the amoraic era. This goes two thirds of the way towards accommodating Halivni's periodization. In any event, Halivni has since developed a radically different view. He now extends the amoraic era to the middle of the sixth century. Since some of the *savora'im* listed by Sherira are cited by name in BT, they by definition do not belong to the *stamma'im* responsible for the anonymous layer. This criterion would end the amoraic era and begin the stammaitic era around 550. Halivni also extends the stammaitic era into the middle of the eighth century. He explains that the title *ga'on*, which gave its name to the geonic era, has institutional, but not literary, significance. It was the title of heads of academies, who might, or might not, have contributed to the material in BT. And those who did contribute might have done so either as *amora'im* or as *stamma'im*. On this view, the title *ga'on* predates the period we call "geonic," whether we start that period in 589 or 689. In sum, Halivni's stammaitic period includes the latter part of Sherira's *savora'ic* era

⁵³ Elman, "Orality and the Redaction of the Babylonian Talmud," 58.

⁵⁴ Brody, *Geonim of Babylonia*, 7–11.

⁵⁵ See Halivni, "Aspects of the Formation of the Talmud," in *Creation and Composition*, 339–40. On the early Ravina (= Ravina I), see Cohen, *Ravina*, passim.

schema. He notes "the huge increase of argumentation attributed to fourth-generation Amoraim over earlier generations."⁴⁷ In any event, Elman ultimately sides with Friedman and Kalmin when he concludes that "most if not almost all of the anonymous material in the Bavli is post-Amoraic, that is, dating from the late fifth and perhaps sixth centuries."⁴⁸ This dating accommodates both Halivni's (original) "stammaitic" period (425–500) and Kalmin's savoraic (after 500). Elman also attempts a more precise quantification of the two-source phenomenon and its chronology. He estimates that 55% of BT is anonymous. And $\frac{3}{4}$ of the anonymous material, or about 40% of the entire BT, may be attributed to "the redactors," whom I take to be the post-amoraic masters.⁴⁹ Reviewing the literature, it seems that the post-amoraic dating of *most* of the anonymous material in BT has become, in the words of Moscovitz from 2003, "the general, though admittedly not universal, scholarly consensus ..."⁵⁰ Even Brody, who seems to dissent from this consensus, agrees that BT underwent significant post-amoraic development. As he puts it:

The Talmud as it left the hands of the Savora'im was clearly not identical with the Talmud which they had inherited from their predecessors the Amora'im of Babylonia. It is this ... which sets them apart from the later Geonim who saw the Talmud (in principle) as a closed literary corpus no longer open to revision. Their role was confined to its promulgation, interpretation and application.⁵¹

Consensus on a post-amoraic dating does not yield agreement on an exact time span. The starting point for the discussion is geonic tradition, most influentially the responsum of Sherira from 986/7 C.E. Sherira gives a full date for the death of Ravina son of Rav Huna (= Ravina II), whom he calls "the end of *hora'ah*": Wednesday, 13 Kislev 811 S.E. (Seleucid Era) = December 499 C.E. (Iggeret, ed. Lewin, 95). Elsewhere, speaking of a master active after 787 S.E. = 475/6, Sherira equates the "end of *hora'ah*" with the "stopping up/making anonymous of the Talmud." Another geonic source explicitly associates the latter process with the death of Ravina in 499 (Seder Tanna'im Ve'amora'im, ed. Kahan, 6).⁵² Following the end of *hora'ah*, according to Sherira, comes the period of the savoraic masters (*rabbanan*

⁴⁷ Yaakov Elman, "Orality and the Redaction of the Babylonian Talmud," *Oral Tradition* 14 (1999): 85, n. 79 citing *idem*, "Argument for the Sake of Heaven: 'The Mind of the Talmud': A Review Essay," *JQR* 84 (1993–4): 267.

⁴⁸ *Ibid.*, 53. See below for more on an absolute dating.

⁴⁹ *Ibid.*, 86.

⁵⁰ Moscovitz, "Designation is Significant: An Analysis of the Conceptual Sugya in BSan 47b–48b," *AJSReview* 27 (2003): 236, n. 39.

⁵¹ Brody, *Geonim of Babylonia*, 7.

⁵² For details see Goodblatt, "Babylonian Talmud," 309–10. On the date of Ravina son of Huna's death, see further Avinoam Cohen, *Ravina and Contemporary Sages: Studies in the Chronology of Late Babylonian Amoraim* (Ramat-Gan: Bar-Ilan University Press, 2001), 24, n. 7 (Hebrew).

the end of the Persian kingdom" that occurred "several years" after 826 S.E. = 525 C.E. (Iggeret, ed. Lewin, 99).⁶⁰ And the aforementioned plague at mid-century also comes to mind. These views may be called the crisis theory of the formation, or at least the closing, of BT. Kalmin was skeptical of such approaches, seeing them as instances of the lachrymose conception of Jewish history. He cites examples of literary creativity continuing during times of extreme distress. So anticipation of such distress would not necessarily spur contemporaries to try to complete literary projects.⁶¹ I would second Kalmin's skepticism and reinforce it with the opposite argument, that massive literary endeavors require times of peace and prosperity. A good rabbinic example is the Mishnah, if we accept the tradition that associates its production with the tenure of Judah the Patriarch. This was a time when the Jews of Palestine enjoyed the fruits of the *pax romana* under a leadership that had close relations with Roman officials. Another example, while not Jewish, is relevant to the Sasanian Empire. My understanding is that the production of a written version of the Avesta took place in Sasanian times when the "good religion" and its clergy enjoyed considerable government patronage and support.⁶² If we rule out crisis, can we suggest anything else? One possibility follows a suggestion by Jack Lightstone.⁶³ Our sources tell us of considerable political reorganization in the Sasanian state during the sixth century under Xosrō I (531–79), and perhaps already under his father Kawād 488–96, 498–531). Xosrō's division of his empire into four large units and his tax reforms may have been inspired by Byzantine models. Emigré scholars who came to the Sasanian realm following Justinian's closure of the Academy in Athens in 529 may have contributed to academic developments at places like Gundeshābūhr. Were the Jews also influenced? Did Sasanian adoption of Byzantine school models affect the Jews as well? After all, the dialectic character of the anonymous layers recalls scholastic texts from other cultures, and such scholasticism often has organized, institutionalized schools as its *Sitze im Leben*.⁶⁴ This would tie in with Ruben-

⁶⁰ Brody, *Geonim of Babylonia*, 9, n. 25.

⁶¹ Kalmin, *Redaction of the Babylonian Talmud*, 93–94.

⁶² See Josef Wiesehöfer, *Ancient Persia from 550 BC to 650 AD* (London; New York: Tauris, 1996), 13, 200; for more detailed discussion of the Avesta being put into writing, see Alberto Cantera, *Studien zur Pahlavi-Übersetzung des Avesta* (Wiesbaden: Harrassowitz, 2004), 106–163; and Prods Oktor Skjærvø, "The Videvdad: Its Ritual-Mythical Significance," in *The Age of the Parthians, The Idea of Iran*, vol. II, eds. Vesta Sarkhosh Curtis and Sarah Stewart (London: I. B. Tauris Publishers, 2007), 105–41.

⁶³ Jack Lightstone, *The Rhetoric of the Babylonian Talmud: Its Social Meaning and Context* (Waterloo, Ontario: Wilfrid Laurier University Press, 1994), 264–76.

⁶⁴ Compare Adam H. Becker, *The School of Nisibis and the Development of Scholastic Culture in Late Antique Mesopotamia* (Philadelphia: University of Pennsylvania Press, 2006). On the influence of the Greek philosophers on Iranian intellectual life, see Udo Hartmann, "Geist im Exil: Römische Philosophen am Hof der Sasaniden" in *Grenzüberschreitungen: Formen des Kontakts zwischen Orient und Okzident im Altertum*, Oriens et

and the early part of his geonic era.⁵⁶ The benefit of Halivni's scheme is that he bridges the gap between the end of attributed material and the date when most scholars agree BT was essentially in its present form and Babylonian authorities began publishing independent, paratalmudic books.

Whether Halivni's view will break the emerging consensus on the formation of BT during the sixth century remains to be seen.⁵⁷ Elman recently argued that some extended units in our BT, including some traditionally attributed to the *savora'im*, might be as late as the Islamic era. He bases his argument on the content of these sections. This view seems to accord with the position of Halivni who extends his stammaitic era into Islamic times. However, Elman remains within the consensus with regard to what he calls the "redaction" of BT. This is the more or less final compilation and editing of the document, though some additions could accrue. Elman points out that what is commonly called "the Justinian Plague" of 542, which wreaked havoc on the Middle East, left no mark on BT. Consequently, we must assume the document was essentially closed by mid-century. So for him "post-redactional" means after 542 and the sixth century is still the decisive one.⁵⁸ The consensus, then, asserts a complete transition from the attributed format to the anonymous format around the beginning of the century. And accepting Sherira's dating for the start of the geonic period (and the consensus view of the geonic attitudes about the document) entails that, by the end of the sixth century, BT was seen as a closed work.

What brought about these transitions? 75 years ago, Kaplan invoked the persecutions under Yazdgird II (438–57) and Pērōz (459–84) to explain the first shift, from attributed to anonymous formats, which he dated to the late fifth century.⁵⁹ Brody accepts only the second shift, from an open to a closed work, which he places around the middle of the sixth century. He suggests persecutions or natural disasters engendered this development. And Sherira alluded in his responsum from 986/7 to "years of persecution and troubles at

⁵⁶ Halivni, "Aspects of the Formation of the Talmud," 341–49. See now the monographic length introduction to his *Sources and Traditions* commentary on Bava Batra, cited below, note 68.

⁵⁷ Rubenstein, "Social and Institutional Settings of Rabbinic Literature," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, eds. Charlotte E. Fonrobert and Jaffee (Cambridge: Cambridge University Press, 2007), 70, assigns to the "savoraic-stammaitic period" a date of 550–800, in apparent agreement with Halivni.

⁵⁸ Elman, "The World of the 'Saboraim': Cultural Aspects of the Post-Redactional Additions to the Bavli," in *Creation and Composition*, 383–415. The argument from the plague appears on 383–84. On the Justinian plague, see the articles collected in Lester K. Little, ed., *Plague and the End of Antiquity: The Pandemic of 541–740* (Cambridge: Cambridge University Press, 2006). For another view on the savoraic material, see Cohen, "Le'ofyah shel hahalakhah hasavora'it: sugyat habavli resh qiddushin umasoret hage'onim," *Diné Israel* 24 (5769): 161–214.

⁵⁹ Julius Kaplan, *The Redaction of the Babylonian Talmud* (New York: Bloch Publishing, 1933), 293–98.

nian Talmud: Translation and Commentary, 22 vols. (Peabody: Hendrickson Publishing, 2005). However, in all three cases the explanatory material owes more to traditional commentaries than to critical approaches.

I conclude with brief references to historical studies relevant to the study of BT. I begin with Aharon Oppenheimer's *Babylonia Judaica in the Talmudic Period* (Wiesbaden: Reichart Verlag, 1983), a worthy replacement for Obermayer's pioneering 1929 study of the geographical context of BT. I should also mention the series *Irano-Judaic: Studies Relating to Jewish Contacts with Persian Culture Throughout the Ages* published by the Ben-Zvi Institute beginning in 1982. Though not limited to antiquity the volumes in this series contain much of importance for BT studies. In the specific field of Jewish history in Babylonia, by 1979 Moshe Beer and Jacob Neusner had revived interest in the subject and laid the foundation for further advances. Isaiah Gafni took the next step by bringing fresh historical approaches along with great Talmudic expertise to bear. He summed up the results in a monograph that provides an unsurpassed overview of the history of the Jews in Babylonia.⁶⁹ Gafni's student, Geoffrey Herman, demonstrates the possibilities of further progress in this field in his study of the central political institution of the Babylonian Jews, the exilarchate.⁷⁰ And Yaakov Elman has begun the serious exploitation of the Middle Persian law codes to elucidate the Bavli with extremely impressive results. His work promises to revolutionize BT studies not only in halakhic matters but also in cultural and social history.⁷¹ Further examples of the fruitfulness of this approach have come from Shai Secunda.⁷² What all these studies share is a deep and thorough familiarity with all the advances in the study of BT achieved in the past generation.

⁶⁹ Isaiah Gafni, *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History* (Jerusalem: Zalman Shazar Center for Jewish History, 1990) (Hebrew). For an updated summary, see *idem*, "The Political, Social, and Economic History of Babylonian Jewry," in *Cambridge History of Judaism*, vol. 4, 792–820.

⁷⁰ Geoffrey Herman, "'A Prince without a Kingdom': The Babylonian Exilarchate in the Sasanian Era" (in preparation); see also *idem*, "The Babylonian Exilarchate in the Sasanian Period" (Ph.D. diss., Hebrew University, 2005) (Hebrew with English abstract).

⁷¹ See for example Elman, "Marriage and Marital Property in Rabbinic and Sasanian Law," in *Rabbinic Law in the Context of Roman and Near Eastern Law*, ed. Catherine Hezser (Tübingen: Mohr Siebeck, 2003), 227–76; *idem*, "'Up to Ears in Horses' Necks" (B.M. 108a): On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *JSIJ* 3 (2004): 95–149; *idem*, "Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity," in *Neti'ot le-David: Jubilee Volume for David Weiss Halivni*, eds. Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot Press, 2004), 31–56; *idem*, "'He in His Cloak and She in Her Cloak': Conflicting Images of Sexuality in Sasanian Mesopotamia," in *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism*, ed. Ulmer (Lanham, MD: University Press of America, 2007), 129–64.

⁷² Shai Secunda, "Talmudic Text and Iranian Context: On the Development of Two Talmudic Narratives," *AJSReview* 33 (2009): 45–69, and note the introductory comments and literature cited on 45–46.

stein's view that the aggada of the anonymous layer comes from the newly organized academies. Similarly, did Justinian's codification of Roman law in the early 530's inspire Jewish legists? In sum, was the formation of BT a result of Byzantine influence?⁶⁵

The speculations above move us from the literary to the historical sphere. Before leaving the literary area, there are several publications I wish to mention briefly. I begin with BT commentaries. Already in my 1979 article, I mentioned the innovative approaches adopted in Halivni's *Sources and Traditions: A Source-Critical Commentary* on the tractates in the Orders Nashim and Mo'ed and Friedman's critical study of BT Yevamot Chapter 10.⁶⁶ Halivni has continued his project with volumes on Tractates Shabbat, Eruvin, Pesahim and the Bavot, while Friedman produced a commentary, accompanied by a critical edition of the text, of Chapter 6 of BT Bava Meši'a'.⁶⁷ By using all the resources of text and redaction criticism discussed above along with traditional approaches to law and religion these scholars have established BT commentary on a new, critical foundation. Friedman's student Moshe Benovitz undertook a similar project for BT Shevu'ot Chapter 3.⁶⁸ Friedman has also organized the Society for the Interpretation of the Talmud that applies these exegetical methodologies. He, Benovitz, S. Wald, A. Stolman and Y. Firstenberg have published on line commentaries on sections of BT Berakhot, Shabbat, Eruvin, and Gittin. See www.TalmudHa-Igud.org.il. Also relevant here are the three English language translation projects of BT. Each of these projects includes more extensive commentary than the mid-twentieth century Soncino translation did. I refer to *The Talmud: The Steinsaltz Edition*, 22 vols. (New York: Random House, 1989–99); *Talmud Bavli: The Schottenstein Edition*, 73 vols. (Brooklyn: Mesorah Publications, 1990–2005); and Jacob Neusner's *The Babylo-*

Occidens: Studien zu antiken Kulturkontakten und ihrem Nachleben, Band 3, eds. Monika Schuol, Hartmann, and Andreas Luther (Stuttgart: Franz Steiner Verlag, 2002), 123–68.

⁶⁵ Compare Hezser, "The Codification of Legal Knowledge in Late Antiquity: The Talmud Yerushalmi and Roman Law Codes," in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 1998), 581–641. For a parallel argument claiming Roman influences already in the fourth century, see Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (Oxford: Oxford University Press, 2006).

⁶⁶ Goodblatt, "Babylonian Talmud," 327.

⁶⁷ Halivni, *Sources and Traditions: A Source-Critical Commentary on the Talmud: Tractate Shabbat* (Jerusalem: Jewish Theological Seminary of America, 1982); *Tractates Eruvin and Pesahim* (Jerusalem: Jewish Theological Seminary of America, 1982); *Tractate Bava Kama* (Jerusalem: Magnes, 1993); *Tractate Bava Mezi'a* (Jerusalem: Magnes, 2003); *Tractate Bava Batr* (Jerusalem: Magnes, 2007) (Hebrew). Friedman, *Talmud Arukh: BT Bava Mezi'a VI*.

⁶⁸ Benovitz, *Talmud Bavli Masekhet Shevu'ot, Pereq Shevu'ot Shetayyim Batra, Bavli Shevu'ot Pereq Shelishi, Mahadurah Mada'it Uve'ur Maqif* (New York: Jerusalem: Jewish Theological Seminary of America, 2003).

Toward an Intellectual History of Sasanian Law

An Intergenerational Dispute in *Hērbestedān* 9 and Its Rabbinic and Roman Parallels

YAAKOV ELMAN

The Babylonian Talmud contains some 1.8 million words and 30,000 attributed statements dating to the first part of the Sasanian period. These would seem to constitute an attractive corpus for the composition of an intellectual history of the Babylonian rabbinic elite during the years 220–450. Two methodological assumptions have hampered such an attempt in the last generation. One is the Neusnerian dogma that attributions of statements by named sages cannot be accepted by critical scholarship because we do not know the theory behind such ascriptions,¹ and the Halivni-Friedman emphasis on examining the role of the redactors had the unintended effect of focusing interest on the redactors to the near total exclusion of concern about the development of their sources, the teachings of the amoraim. This, together with Halivni's own skepticism regarding the reliability of the attributions seems to have discouraged his students from focusing on this question.² I have argued against the first view,³ and in a series of papers that have recently begun to appear, I have demonstrated that these attributions fit our knowledge of the *Sitz im Leben* of their authors, and that attributed statements by well-

¹ He has returned to this argument over and over, but see his *In Search of Talmudic Biography: The Problem of the Attributed Saying* (Chico, CA: Scholars Press, 1984).

² See his "Sefequei de-Gavrei," *PAAJR* 46–47 (1980): 67–93 [Hebrew numbering]. For a survey of his work in English, see David Weiss Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, MA: Harvard University Press, 1986), but for his current thinking, see his just published introduction to his *Meqorot u-Mesorot: Bava Batra* (Jerusalem: Magnes Press, 2007), 1–147. For Shamma Yehudah Friedman's approach there exists no summary in English; the best statement of principles remains his introductory statement to his dissertation, published as "Pereq ha-Ishah Rabbah Ba-Bavli," *Mehqarim u-Meqorot*, ed. Haim Dimitrovski (New York: Jewish Theological Seminary, 1977), 283–321.

³ See my "Proper Methodology in the Study of Rabbinic Intellectual History: A Review of David Kraemer's *Responses to Suffering in Classical Rabbinic Literature*," in *JQR* 88, 3–4 (1999): 361–86, where I describe Jacob Neusner's claims and my reasons for rejecting them. I have returned to the subject in "The Socioeconomics of Babylonian Heresy," in *JLAS* 17 (2007): 80–126.

Those advances, as this article has attempted to show, are impressive. What will be accomplished in the next generation of BT scholarship can only be imagined. I envy those who will be here to recount those achievements in years to come.

Sōšāns, who are mentioned some 70 and 74 times, respectively.⁷ Other prominent figures include Mēdomāh, Gōgūšnasp, and Kay Ādur Bozēd. All in all, Gignoux's table accounts for some 461 statements, certainly a large enough data base on which to build the beginnings of an intellectual history.

Nor are these names and distributions random, for we know from *ŠnŠ* and MHD, that these scholars are related in two ways. Some of them belong to two schools mentioned in MHD, the Abargites and the Medomahites (MHD 50:13–17), similar to the Sabians and Proculians of Roman law, and of the Hillelites and Shammaites of rabbinic law. Some of these authorities are known to have been engaged in dozens of disputes. Thus, Sōšāns and Kay Ādur Bozēd (hereafter, following Gignoux: KAB) dispute in PV 4.2, 5.14, 6.9, 6.29 and so on, Sōšāns and Gōgūšnasp in very important dispute in PV 5.38 regarding the religious status of non-Zoroastrians,⁸ and elsewhere, and Abarg and Mēdomāh in PV 5.4, 8.34, 9.32, 13.35.⁹ And some are the sons of other jurisconsults mentioned in these texts. Thus, as Gignoux notes, Pušānōš is the son of Azād Mard, Adurbad the son of Dād Farroxw, although we cannot be certain that the two names in each pair refer to authorities mentioned in our texts, since some of these names are so common.¹⁰

Several of the most intriguing of these disputes are to be found in *Hērbedestān* 8–9. Here we have a dispute between Sōšāns and KAB in 9.7, and one between Abarg and two others: Rōšn and Weh-dōst. While the issues at hand are interesting in and of themselves, they are of particular interest in our context, for according to *ŠnŠ* 1.3, Sōšāns was the teacher of Abarg, and so in 9.7 and 9.8 we may have an instance of a disciple commenting on the same case that his master did.¹¹ This occurs often in rabbinic literature, but not in these Middle Persian texts. Such a juxtaposition provides us with an opportunity to examine the views of two successive generations of Sasanian jurisconsults and thus potentially to trace the development of legal thought on a particular case of tort law. I might mention that while Gignoux dates these sages to the Islamic period, it is fairly clear that they were Sasa-

⁷ Gignoux's table in Appendix 1, 147, has Abarg mentioned some 70 times. However, he has Abarg as mentioned in MHD (the "Sasanian Lawbook") some six times, but he is only mentioned some four times (see Maria Macuch, *Rechtsskizistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts im Iran: Die Rechtssammlung des Farrohmard i Wahrāmān*, Iranica I (Wiesbaden: Otto Harrassowitz, 1993), 13, n. 37, and so the total is actually 68.

⁸ I am preparing a study on this text and the controversy it reflects, which also appears in the Bavli in Yevamot 60b-61a. See now "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion, and Exogamy in the Fifth-Century Iranian Empire," *Bulletin of the Asia Institute* 19–20 (forthcoming).

⁹ Gignoux, 140–43.

¹⁰ *Ibid.*, 136–37.

¹¹ The author of *ŠnŠ* reports on that relationship in chapter 1; see Jehangir C. Tavadia, *Šāyast nē Šāyast: A Pahlavi Text on Religious Customs* (Hamburg: Friederichsen, de Gruyter & Co., 1930), 28–29.

attested figures are consistent in their legal and theological approaches not only within the corpora of specific figures, but also within the larger corpora of their associates or "schools." For example, specific principles are consistently attributed to sages located in Mahoza, such as R. Nahman or Rava, who show a consistently cosmopolitan attitude, as befits inhabitants of Mahoza, a suburb of the Sasanian capital of Ctesiphon, in contrast to the more insular attitude of another well-known center of rabbinic learning, Pumbedita on the Euphrates, more than 100 km. from Ctesiphon.⁴

In light of my investigations into the Sasanian cultural, legal, and religious background of the Babylonian Talmud, and more recently those of Samuel Secunda in a comparative study of rabbinic and Zoroastrian rules governing menstrual impurity,⁵ I would like to suggest that not only is such an intellectual history possible and desirable, but also that engaging in the effort to construct one may lead to an even more exciting prospect: a joint intellectual history of Sasanian Jewish rabbis and Sasanian Zoroastrian *dastwars*.

In a pioneering study, Philippe Gignoux has provided us with a preliminary survey of the inclinations of some of the most important sages mentioned in Zoroastrian scholarly literature, that is, those mentioned in the Middle Persian Zand, a translation plus commentary on part of the Zoroastrian "Bible," the Avesta, in this case the *Pahlavi Videvdad* (hereafter PV), a book dealing with the purities and pollution, and the *Hērbedestān* (hereafter *Herb*) dealing with priestly training, and *Nērangestān*, the book dealing with cultic rituals, and the so-called Sasanian Law Book, *Mādāyān ī Hazār Dādestān* ("The Book of a Thousand Decisions," hereafter: MHD), the *Pahlavī Rivāyat Accompanying the Dādestān ī dēnīg* (hereafter *PRDd*), and *Šāyest nē Šāyest* ("Proper/Improper," hereafter: *ŠnŠ*).⁶ According to Gignoux, there are some 27 names of jurisconsults mentioned in these texts, and several of them are mentioned numerous times, in particular Abarg and

⁴ See "Ma'aseh be-Shtei Ayarot: Mahoza u-Pumbedita Ke-Metzayygot Shtei Tarbuyot Hilkhatyyot," *Torah li-Shemah: Mehqarim be-Madacei ha-Yahadut li-khvod Prof. Shamma Yehudah Friedman* (Jerusalem: Bar Ilan University Press, in association with Makhon Shechter le-Mada'ei Ha-Yahadut, 2007), 3–38, and "The Socioeconomics of Babylonian Heresy" (n. 3 above).

⁵ For a summary, see my "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition," in *Cambridge Companion to the Talmud and Rabbinic Cambridge Literature*, eds. Charlotte Elisheva Fonrobert and Martin S. Jaffee (Cambridge; New York: Cambridge University Press, 2007), 165–97, and see Samuel Secunda, "'Dashtana—'Ki Derekh Nashim Li,': A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts" (Yeshiva University, 2007).

⁶ See Philippe Gignoux, "La controverse dans le mazdéisme tardif," in *La controverse religieuse et ses formes*, ed. Alain Le Boulluc (Paris: Du Cerf, 1995), 127–49.

tio difficilior full pay. His text does not mask the difficulties inherent in a composition that spans two millennia, from conditions faced by nomadic Iranians to those of the Sasanian rulers of a vast empire.¹⁷ Likewise, his literal translation, and his willingness to use question marks, highlights the real difficulties of a sometimes fragmentary, frequently allusive and elusive text. Acknowledging these difficulties opens the way for their solution.

1. Strict Liability in Sasanian Law

The question dealt with in these chapters concerns the care due to an underage child who is being taken away from his family for priestly studies. As I attempted to demonstrate in the earlier paper, the earliest layers of our text refer to nomadic priests who were accompanied by young acolytes who were trained “on the road,” so to speak, while later layers of the Zand may refer to travel to more centralized centers of learning, presumably in Sasanian times. The Avestan text generated a number of disputes between and among some well-known, and some lesser known, Sasanian authorities.

The first of these disputes, in 8.4, relates to an Avestan text, which is translated (into Middle Persian) as follows. The Avestan text is in boldface. It is not clear whether this sentence fragment is a direct continuation of the previously cited Avestan text, but it does not really matter, since it may be understood on its own, as the commentators evidently did:

Hērbedestān 8.4

yaθa dātiā spasanīia

“as (is) surveillance according to the law”

This sentence fragment is then rendered as follows:

ka dādihā pāsbān

This is essentially the reading adopted by all editions. Skjærvø translates it: “when (the) guard’s (guarding is) according to the law,” while Kotwal and Kreyenbroeck (hereafter: K/K) suggest: “When (he) is lawfully the custodian,” and, with a slight emendation, Humbach and Elfenbein (hereafter: H/E) suggest: “So that legal custody (is granted),” emending *pāsbān* to **pāsbān<īh>*.

However, *pāsbān* is not used in legal texts for “guardian.” The usual term is *sālār*, which we will encounter further on in 8.0f., when proper guardianship becomes a crucial concern. Skjærvø’s “guard” is preferable. Here, presumably the guardian/escort is accompanied by a guard of lesser rank. How-

¹⁷ See my “The *Hērbedestān* in the *Hērbedestān*: Priestly Teaching from the Avesta to the Zand,” to be published in *Irano-Judaica*, vol. 7.

nian, if only because several of them are mentioned in MHD, which must be dated to the first quarter of the seventh century, but also because, for the most part, there is almost nothing that can be considered as a response to Islamic conditions in them, something that is readily apparent in later compilations.

Thus, an emerging consensus among Iranists who specialize in these texts considers them to be Sasanian: Maria Macuch, editor of a magnificent edition of the MHD, Philip Kreyenbroek in his edition of the *Nērangestān*,¹² and most recently, Alberto Cantera who has devoted a whole chapter to this question in his monograph: *Studien zur Pahlavi-Übersetzung des Avesta*, which dates the Zand on the *Videvdad* (V) to the fourth through the sixth centuries. In particular, and of particular interest to us, he dates Sōšāns, Gōgušnasp, and KAB between the end of the fourth to the first half of the fifth centuries, and Abarg and Mēdōmāh to the second half of the fifth century.¹³ Since Sōšāns and Abarg – master and disciple – are unlikely to have spanned a complete century, it is not improbable that Sōšāns lived at the end of the fourth and beginning of the fifth century, while Abarg may be dated to the middle third of the latter. In any case, from our point of view, the careers of these sages make them contemporaries with the last generations of the Babylonian amoraim, while the redactors of the Zand would then be contemporaries of the anonymous redactors of the Babylonian Talmud. Elsewhere I have begun the task of comparing the redactional methods of these two groups.¹⁴ Here, though, it should not surprise us that the trajectory of Pahlavi learning parallels that of the Babylonian amoraim.

Again, it should be noted that the following remarks are based on a new reading of the *Hērbedestān* by my friend and colleague Prods Oktor Skjærvø, one that differs in two major respects from the recent editions of Helmut Humbach and Josef Effenbein,¹⁵ and that of Firoze M. Kotwal and Philippe G. Kreyenbroek.¹⁶ First of all, Prof. Skjærvø refrains from emending this difficult text as much as possible, thus allowing the principle of *lec-*

¹² See their comments in Firoze M. Kotwal and Philip G. Kreyenbroek, eds. and trans., *The Hērbedestān and the Nērangestān*, vol. 3: *Nērangestān, Fragard 2*, Studia Iranica – Cahier 30 (Paris: Association pour l'Avancement des Études Iraniennes, 2003), 33, 35, nn. 14 and 20.

¹³ Alberto Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*, Iranica 7 (Wiesbaden: Otto Harrassowitz, 2004), 220.

¹⁴ In a paper delivered at the AJS convention in Toronto, December 16, 2007, "New Light on the History of Omnisignificance."

¹⁵ Helmut Humbach and Josef Effenbein, eds., *Ērbedestān: An Avesta-Pahlavi Text*, Münchener Studien zur Sprachwissenschaft, Neue Folge, Beiheft 15 (Munich: R. Kitzinger, 1990).

¹⁶ Firoze M. Kotwal and Philip G. Kreyenbroek, eds. and trans., *The Hērbedestān and the Nērangestān*, vol. 1: *Hērbedestān*, Studia Iranica – Cahier 10 (Paris: Association pour l'Avancement des Études Iraniennes, 1992).

H/E read *pahrag pad estēd*, “so that a guard is kept,”²¹ even though *tan tan* is clear in both manuscripts HJ and TD; K/K emend *pahrag* to *pahrest*, and translate *pahrest-tan* as, literally, “he has protected his body,” which, they conjecture, is the opposite of *tanāpuhl*, “whose body is forfeit.”²² Aside from the fact that while *tanāpuhl* is a well-known term, and *pahrest-tan* in this sense is unknown, there is also the problem that if we accept their emendation, there is no dispute between Sōšāns and KAB! Again, if anybody requires protection, it is the child. Skjærvø’s reading, which requires no emendation, is to thus be preferred, as is his translation: “guarding is by individual,” that is, we can have no blanket indemnification, since cases differ. In other words, the issue here is the *extent* to which authorization provides the escort with indemnification.

Skjærvø’s rendering opens up another series of possibilities. If “guarding is by individual,” that is, the escort must use his judgment in safeguarding the child, as in 9.5, where the Avestan “How much is the maximum course he shall accompany it?” is rendered in the Pahlavi as: “*čand pad wārist *ī ōy abar pad rāh abar bē abāgēnēd*,” which Skjærvø translates as: “How much does he accompany it at his discretion (?) on the road?,” interpreting *wārist* in accordance with the Avestan *vārəma*, “at will, arbitrarily.” The crux is *wārist*, a word that H/E read as *wālist* and K/K emend to *bālist*, but both translate in accordance with the Avestan: “at most.” The Avestan seems clear; why then would the commentators depart from it? And, despite the renderings in H/E and K/K, it is clear that they do depart from it, because instead of giving a set of distances, or even a range, Sōšāns and KAB suggest that the distance is either “as far as he leads it” or “as far as he must lead it” – without specifying an amount. This is all the more puzzling, since in 9.6 the Avestan text itself does provide *some* indication of distance, or at least time elapsed. Why convert a question regarding distance to one regarding the *manner* of accompaniment?

First of all, let us note that the comment by Sōšāns and KAB that follows in 9.5 itself constitutes a *crux interpretum*, since the dispute hinges on the mode of the verb *nīdan* “to lead”; is it indicative or subjunctive, and the legal difference between the two.

sōšāns guft hād čand-iš bē nayēd
kay-ādur-bōzēd guft hād čand-iš nayād

Sōšāns said: Well, as far as he leads it.

Kay-ādur-bōzēd said: Well, as far as he must lead it.

Once again, the answers given by Sōšāns and KAB are elliptical, as is so often the case in these texts. I suggest that here it is the question of injury to

²¹ See Humbach and Elfenbein, 60–61.

²² See Kotwal and Kreyenbroek, *Hērbedestān*, 51, n. 103.

ever, several other questions require clarification, and some of them are dealt with in chapter 8, as I shall show. What are the parameters of the term “according to law”? Does the family’s authorization of the guardian/escort indemnify him, and if so, against what is he indemnified? Or does the provision of an adequate guard, perhaps aside from the guardian/accompanyist, provide that indemnification?

Once the basic condition is specified, whatever its exact parameters, we then have the following dispute, using Skjærvø’s text and translation:

*sōšāns *guft hād kū bīm nēst*¹⁸
kay-ādūr-bōzēd guft hād pahrag tan tan estēd

Sōšāns said: Well, when there is no fear (of misdoing).

Kay-ādūr-bōzēd said: Well, guarding is by individual.

Apparently, once the guardian is authorized, or a guard is provided who does his job lawfully, “there is no fear,” at least according to Sōšāns. The question is then: fear of what? The text does not indicate the nature or extent of the fear. As in other technical ritual and legal texts, knowledge of the exact context is assumed.

While K/K also translate *bīm* literally as “fear,” they do not specify the nature of that fear. H/E suggest “that there is no fear (for the child’s safety),” and Skjærvø suggests “fear (of misdoing),” which follows the usual use of this term in Pahlavi ritual texts, where it conforms exactly to the rabbinic Hebrew/Aramaic *hashash*, “concern, fear,” and refers to the rabbinic concern for a potential transgression or omission of a ritual requirement.¹⁹ One example is *ŠnŠ* 2.24, where someone dies while seated, and there is concern as to which direction the corpse will topple over and pollute the ground beside him.²⁰

What then is the nature of this “misdoing” here? From 9.8 it is clear that the escort may be held liable for injury to the child on two grounds: *rēš* “injury” or *adwadād* “abandonment,” which is identified in the next paragraph as *adādīhā sālārīh* “unlawful guardianship.” Again, in 8.4 Sōšāns considers the man’s status as an authorized escort as providing some sort of legal indemnification. This conforms to Sōšāns’ usual unilateral approach to things. However, it is hard to believe that this indemnification is complete; let us look at the contrasting and conflicting opinion, that of KAB, who insists that “guarding is by individual,” that is, each case must be considered on its own merits.

¹⁸ Both manuscripts of the *Hērbedestān*, that is, HJ (Dastur Dr. Hoshangjee Jamaspjee of Poona) and TD (Ervad Tahmuras Dinshahji Anklesaria) read *hād guft kū bīm nēst* “well, he said: there is no fear.”

¹⁹ For a summary, see my “Middle Persian Culture and Babylonian Sages” (n. 5 above).

²⁰ See Tavadia, 41.

*ka mard*²⁵ *az ān bē abāgēnēd*

When a man accompanies away from that.

Hērbedestān 9.7

*sōšāns guft hād wēših bē nīdan*²⁶
kay-ādur-bōzēd guft hād juttarih bē nayēd.

Sōšāns said: Well, (it is a question of) leading 'more'.

Kay-ādur-bōzēd said: Well, (it is a question of how) he leads differently.

Although K/K emend slightly – *wēših* to *wēš-iš* and *juttarih* to *juttar-iš*, their translation is essentially the same as that of Skjærvø: “then he leads it too far,” and “then he leads it (in a manner) different (from what is lawful),” and H/E, based on an unemended text, suggest: “(That means) taking (the child) farther away” and “He takes (the child) to a more distant place,” a translation that obscures more than it enlightens, since the dispute between Sōšāns and KAB then becomes minimal or non-existent, which would make the use of the dispute-form a *non sequitur*.

The key to the passage is the realization that the discussion is animated by two Avestan questions. Thus, 9.5 has: “How much is the maximum course he shall accompany it?” and 9.7 has: “He who accompanies (...) from/than this. The first is prescriptive: how far may he take the child per unit time, while the second deals with departures from this norm that make the escort liable. That structure will allow us to navigate a sometimes elusive discussion.

Responsibility for injury seems thus to be predicated on *how far*, according to Sōšāns, or in *what manner*, according to KAB, the escort leads the child. The exact limit is set by the Avestan text in the preceding paragraph, though that text is obscure to us, but not to the disputants. Here Sōšāns, in line with his usual preference for the unadorned literal meaning of the Avestan text, insists that the child must not be led any farther than is permissible, but KAB indicts the escort even when he does not exceed that limit, but leads his charge “differently,” apparently in a manner different from the conventional or expected.²⁷ However, there is no indication of what the escort is guilty of if there is no injury! As we shall see, in the next generation, Abarg, Sōšāns’ disciple, adopts both his master’s view and that of KAB, and requires evidence of both injury *and* unlawful guardianship in order for the escort to be held liable and penalized. The legal consequences are enormous,

²⁵ TD reads GBRA-I /*mard-ēw*/.

²⁶ Repeated and deleted in HJ with *mayēd*.

²⁷ An interesting Talmudic parallel occurs at Baba Qamma 29a, where the issue involves injury to a camel, and the alternatives are that the driver is guilty of negligence (*pe-shi’uta*) if he had an alternate way to take the camel, or he is innocent because he had no choice (*amus*). However, this parallel is more appropriate for 9.8, as we shall see.

the child. Thus, we must supply something like: “without injury.” That is, “as far as he leads it (without injury)” or “as far as he must lead it (without injury).” The legislators’ concern is to avoid injury to the child, and the question that lies behind that is the issue of the escort’s discretion in leading the child. However, if that is so, what is the debate about? Both Sōšāns and KAB wish to avoid injury to the child, the only difference in their decisions is that Sōšāns uses the indicative of *nīdan* and KAB uses the subjunctive. Skjærvø takes the subjunctive as having an imperative force: “as far as he must lead it,” and assumes that the family has given the escort instructions on the matter. For KAB the issue seems to be whether the escort exceeds the family’s instructions in some way. According to Sōšāns, the essential test is injury to the child. Presumably, even if the escort departs from his instructions, if he does so successfully, that is, without injury to the child, he is not liable. According to KAB, that is not enough. He must follow the family’s guidelines *and* ensure that no injury befalls the child. Thus, as usual, KAB adds another stipulation to the Avestan text, and Sōšāns take a more unilateral approach. It should be noted that Sōšāns seems to be the earliest Sasanian juristconsult for whom we have a substantial body of statements. We shall return to this point below.

One might then wonder: if there is no injury to the child, what is the issue? The issue would seem to be whether the escort acted properly, even apart from the question of injury. The essential point is therefore that when there is no injury to the child, the escort has *by definition* done his job properly. As we shall see, in 9.8, Abarg, Sōšāns’ disciple, casts this assumption in doubt and opens a whole new area for legal and exegetical investigation.

Thus, at least according to Sōšāns, authorization of the escort by the family seems to allow for some individual judgment being exercised, both according to 9.6 and 8.4. His view of indemnification leads to his view on this matter as well. By being authorized, the escort/guardian is allowed to exercise some discretion *as long as there is no injury to the child*. And, indeed, it is difficult to understand the situation in any other way, since placing the child into the escort’s custody must allow him to exercise some judgment. The question is then: How is he held responsible for any mishaps that occur as a result of that exercise of his judgment? That is the subject for 9.7 and 9.8.

Hērbedestān 9.7

yō aētaḥmāṭ²³ paraṇḥacāite²⁴

He who accompanies (...) from/than this.

²³ *Hērbedestān 4: yō baoiīō aētaḥmāṭ parāiti?*

²⁴ Both manuscripts HJ and TD read *paraṇḥacāiti*.

the rabbinic *piqu'ah nefesh*, when a life is in danger. In this context, KAB's stringency is quite noteworthy. However, the parallel in our case would be a situation in which the escort would endanger *himself* in order to save the child. Unfortunately, that situation is not discussed, since the Avestan text is firmly centered on the escort's liability.³²

Neither 9.5 nor 9.7 deals with the *evidence* needed to convict the escort for allowing injury to the child. That is reserved for 9.8, and, we might add, the next generation. Placing the two paragraphs together, then, Sōšāns allows the escort to lead the child as far as he may do so safely, while KAB allows him to lead the child in a *different manner* so long as he adheres to the guidelines regarding distance laid down by the family.

2. Abarg's Innovation

Hērbedestān 9.8 begins with the following Avestan text:

*nabānazdištām he³³ para pascaēla³⁴ raēšaca³⁵ aδpadāitiiasca *āstāraiiāpti³⁶*

They shall consider his closest relative [in the usual sense], both before and after [returning the child], guilty of (any) injury and of [anything that may happen] if it is left [alone] on the road.

Thus, a new factor is introduced into the equation of guilt: *aδpadāitiiasca*. The Avestan is rendered as follows in the Zand:

ā nabānazdišt pas ōy pad rēš adwadād āstarēnānd kū-š aziš bē ē gīrēnd

Then, after him (= the guide), they will consider the *nabānazdišt* guilty of (any) injury (and) *adwadād*; that is, let them take him from him!

Macuch, in her immensely useful review of K/K's edition, notes that their translation of *adwadād* by "abandonment," while correct, "fails to convey the full legal implications of the term. In the Pahlavi sources the word is used to designate not only the sin of a man's abandoning his next of kin in the sense of forsaking them, but also the offence of withdrawing food and water from those entitled to maintenance ..."³⁷

³² Still, there is the intriguing possibility that in our case KAB may consider escorting the child to be a *kirbag*, a *mitzvah*, which requires that the child be taken to the *hērbedestān* even when *there is danger* to the child.

³³ Both manuscripts TD and HJ read *he*.

³⁴ TD *pasaiti*, HJ *pascaita*.

³⁵ HJ *raēšca*.

³⁶ Both TD and HJ read *āstāraiiāpti*.

³⁷ See Macuch, review of *The Hērbedestān and the Nērangestān*, vol. 1: *Hērbedestān*, BSOAS 58, 2 (1995): 372–5, especially 375.

not only in this case, but for understanding the development of Sasanian law, and its relation to that of rabbinic and Roman law. Indeed, many legal systems seem to have developed in this way; they begin with the assumption that the existence of an injury implies the responsibility of the one who caused it, regardless of his intent or lack thereof. It is only later that degrees of responsibility, and of negligence, what have been called "subjective" factors, are introduced.²⁸

There is an important methodological point here. Legal texts must first of all be examined from a legal perspective. That does not mean that literary factors should not be taken into consideration; indeed, studies devoted to legal theory have drawn on other relevant fields of the humanities in the last generation.²⁹ But our appropriation of literary or other methods should not blind us to the basic importance of viewing legal texts as such, and only then examining them from other points of view. In the case of Late Antique legal texts, three contemporary legal systems, the Roman, rabbinic, and Sasanian may be mutually illuminating, whether they converge or diverge.

Indeed, the pioneer of this approach is Macuch herself, whose commentary on the Sasanian Lawbook is replete with references to Roman law, and who has published a number of articles that seek to bring Middle Persian and rabbinic legal texts into dialogue with one another.³⁰

To return to Sōšāns and KAB: in his study Gignoux concluded that Sōšāns was generally more stringent than KAB. However, there are cases in which these tendencies are reversed; one striking case (in PV 3.21= 9.50) is in regard to the penitence required in the case of a corpse-bearer, where KAB requires separate acts of penitence for each sin, even when they are not within the category of major sins deserving death (*margazān*). In *ŠnŠ* 2.81, the question relates to whether a Zoroastrian must rescue a floating corpse from the water, and thus save the water from further corpse-pollution. KAB requires that this be done even at the risk of harm to the rescuer, and even then the act of contact with the corpse is accounted a sin deserving death (*margazān*).³¹

This is a remarkable stringency, for Zoroastrian sages, like their rabbinic counterparts, have standard leniencies, one being *čār ud tuwān*, "means and ability" (see PV 3.14) and the other being *margih ud raxtagih*, "death and disease" (compare *Herb* 2.9, 3.6, and V 5.4, 5.7 5.56), apparently parallel to

²⁸ See our discussion of this in the Appendix below.

²⁹ See for example Sanford Levinson and Steven Mailloux, eds., *Interpreting Law and Literature: A Hermeneutic Reader* (Evanston, IL: Northwestern University Press, 1991), among many others that could be cited.

³⁰ In particular, see her "Iranian Legal Terminology in the Babylonian Talmud in the Light of Sasanian Jurisprudence," in *Irano-Judaica*, vol. 4, eds. Shaul Shaked and Amnon Netzer (Jerusalem: Ben-Zvi Institute, 1999), 91–101, and "The Talmudic Expression 'Servant of the Fire' in the Light of Pahlavi Legal Sources," in *JSAI* 26 (2002): 109–29.

³¹ Gignoux, 141–142.

Hērbedestān 9.8.2

rōšn guft hād ka adādīhā sālārīh ka-iz ōh rēš nē paydāg warōmand u-š ōh bōxtīšn ka-š wināhgārīh wēš nēst kū ān ī pad brīn zamān abāz nē nayēd pas az brīn ka pad zamān awināhīh
gurg-ēw bē xwarēd ā-iz ān ī awināh.

Rōšn said: OK, (but) when there is custody not (kept) according to the law, and also his injury is not apparent, it is to be tested and he must release it in the usual way. When his crime is no more than that he does not lead it back by the appointed time, when, after (he remembers) the deadline, (he does it) immediately, (then) he is guilty of no crime.

(If then) a wolf eats it, then too he is the one guilty of no crime.

Hērbedestān 9.8.3

wehdōst guft ēk-iz nē paydāg warōmand
ud az pasuṣhorw and juttar bawēd kū ō pad gāw ēwar bē kunišn.

Wehdōst said: (When) even one is not manifest, it is to be tested.

And it is different from a case of *pasuṣhorw* to the extent that that must be ascertained on the cow.

Our discussion of 9.8 will be helped by a table devised by Skjærvø; however, some philological points have to be noted before we proceed to the legal issues.

Table 1: Evidence and Decisions

	Injury	Custody Lawful	Custody not Lawful	Punishment	To be Tested
Abarg	+	+		Head	
	+		-		+
Rōšn	-		+		+
Wehdōst	+/-	+/-	+/-		+

First of all, please note Skjærvø's reading of the last word of the first of Abarg's decisions: PSKWN, following MS TD; MS HJ has *pssw-m*. H/E emend this to <a>bēsp<ā>rišn, meaning "final reconsignment," and K/K emend it to *passāzišn*, which they suggest means "examined afresh." H/E's suggestion provides a verdict that is never expressed in those terms elsewhere in this text, and the K/K's suggestion is legally unlikely and textually impossible, since in that case all possibilities lead to doubtful outcomes, though the text is arranged as a three-pronged debate. Skjærvø's suggestion, on the other hand, gives us an apodosis that leads to a verdict: when the evidence is clear as to both injury to the child and unlawful guardianship, then the guardian is convicted and punished with some disfiguring mark on his head.³⁸ If such evidence is not clear, Abarg, Weh-dōst and Rōšn each suggest that the matter be examined afresh, perhaps by ordeal, as noted in the table.

³⁸ For a perhaps similar verdict, see *Videvdad* 3.20.

The word is a Pahlavization of an Avestan term, although, unfortunately the original is unavailable to us in its original context. It seems to mean “placed in the road,” and appears in Pahlavi with the meaning of “abandonment.” In the following paragraphs it is equated with the term *adādīhā sālārīh*, “unlawful custody,” which, as we shall see, appears also in the *Vīdevdād*. Skjærvø suggests that Abarg interpreted the Avestan in a sort of popular etymology, so that *a-* is “non-” plus *dād* “law,” yielding *adādīhā*, “unlawful.” Proceeding from that, Abarg apparently concluded (from the context) that what was unlawful in this case was *sālārīh*, that is, “custody” or “guardianship” and the whole then meant: “custody (*sālārīh*) (performed) in a manner (*-īhā*) that is not according to the law (*a-dād*).”

Thus the two terms together, *rēš* and *adādīhā sālārīh*, would mean something like “an injury due to unlawful guardianship.” However, because the Avesta provides two nouns in describing the escort’s failure, the question as to the relationship between the two would have arisen. Is *adwadād* then meant to modify *rēš*, or do they constitute two factors required to open the escort to liability when something goes wrong? Given the debate between Abarg and his disputants in 9.8, where the question of what happens when both are or are *not* evident or apparent is raised, we must adopt the second interpretation: The basis of the discussion is that both *rēš*, a “wound,” or injury to the child, and *adwadād*, “abandonment,” must be considered in rendering a verdict on the escort’s liability. Injury to the child *does not by itself* constitute culpability. Abarg thus rejects his master Sōšāns’ position and also requires evidence of “abandonment” as a criterion for culpability along with evidence of the injury, *rēš*.

The redactor introduces Abarg’s innovation with a phrase not found elsewhere, and there follows a three-pronged debate over the consequences of that innovation.

Hērbedestān 9.8.1

abarg ēn wāz-ēw ō ...

ka rēš paydāg adādīhā sālārīh paydāg bē ka ēwarīh hamist abāg dārēd tā-š pad sar bē brīnišn

ka rēš paydāg adādīhā sālārīh nē paydāg warōmand u-š ōh bōxtišn

ka wināhgārīh wēš nēst kū ān ī pad brīn zamān pad ōš ī xwēš bē mīrēd u-š awināhīh

Abarg (interpreted) this one word [then: illegible word]:

When an injury is manifest (and) it is manifest that custody was not kept according to the law, unless he has (= carries) some evidence (to the contrary?) with him, he should be ‘cut on the head’.

When an injury is manifest (and) it is not manifest that custody was not kept according to the law, it is to be tested, and he should release it in the usual way (on the usual conditions).

When his crime is no more than that it dies by itself at the appointed time, then he is guilty of no crime.

corting, and the essential point is, as we have seen, that there is no injury to the child, especially according to Sōšāns. KAB however did allow for some liability on the part of the escort if he departed from the family's instructions. However, the point seems moot if there was no injury to the child. As we shall see from the debate in 9.8, it would seem that Abarg took this moot point and gave it legal meaning.

However, Abarg did apparently propose a new solution to the problem posed by the Zand's juxtaposing the two criteria without indicating by their relationship, either by syntactic means or otherwise. No other possibility has come down to us, but given the nature and tenor of the debates between Sōšāns and KAB, it may well be that *adwadād* was taken in its plain-sense meaning as "abandoned in the street" – a possibility that did not, apparently, require further definition.

Abarg however considers the two factors, *rēš* and *adādīhā sālārīh*, injury and unlawful guardianship, as both being necessary for conviction; either alone is not sufficient. The phrase *rēš aḍbadāt* in the preceding paragraph is not to be taken as a hendiadys, that is, "unlawful injury" or something like that, but quite midrashically, as involving two separate factors, each of which requiring evidence on its own.³⁹

3. Another Case of Unlawful Guardianship

As noted above, our passage is not the only one that deals with "unlawful guardianship." A series of cases in *Videvdad* 15 does as well. Before analyzing these cases, we must note the high esteem in which dogs were held in Zoroastrianism; their gaze can ward off the Nasuš, the demoness of corpse-impurity, in a ceremony known as *sag dīd*, "dog gaze," among other functions as sheep dogs, guard-dogs, etc., and thus they must be protected from harm, as we shall see. In V 15, a series of cases is considered in which a bitch gives birth in a camel-stall, a cattle-pen, or the like, and it is thus the owner's obligation to take care of it. V 15.20 raises the question of what to do if such a dog is found in the street; who then is obliged to care for it? Mistreatment of dogs is accounted a *tanāpuhl*, the highest degree of sin. However, some forms of mistreatment are considered as equivalent to *adādīhā sālārīh*, "unlawful guardianship," a category that is mentioned in V 15.22, 15.28, 15.34, 15.37, and 15.40 as well. Macuch summarizes this particular issue in her comprehensive survey of the Zoroastrian treatment of animals:

³⁹ A talmudic parallel may help: in Qiddushin 4a, where the terms of the biblical hendiadys *hinam ein kesef* of Exod 21:11 are interpreted separately, and so too the synonymous *toshav* and *sakhir* of Lev 2:10 are likewise interpreted as referring to two different classes of indentured servants.

The question of how the redactor understood this verdict must be considered, since he introduces Abarg's first decision with the following: "Abarg (interpreted) this one word [then: illegible word]." One possibility for the illegible word, one that Skjærvø had at first suggested but later declared unreadable, is *judā*, "different," a reading with which H/E and K/K essentially agree. Thus we would have: "Abarg (interpreted) this sentence differently." But even if we consider this possibility as merely a conjectural reconstruction, and ignore it, the redactor does seem to be signaling that Abarg's statement is noteworthy in some way. Otherwise, he would have prefaced it with the usual *guft*, "said."

The question would then be: in what way is Abarg's statement noteworthy? Presumably he has something new to say regarding the preceding case, or wishes to enunciate a new principle, though one does not exclude the other. In either case, even if we abandon any attempt to suggest a restoration, the redactor seems to be signaling his understanding that Abarg has broken new ground here. In personal discussion, Skjærvø has emphasized the uncertainty of the entire sentence; he is not certain of the meaning of *wāz* and *judā* both. Nevertheless, it seems to me that this introduction itself indicates the novelty of Abarg's decision. And, indeed, if he did decide on a mutilatory punishment, presumably aside from compensation, *this would make his decision decidedly "separate."* Thus, one possibility is that Abarg went beyond his master Sōšāns and beyond KAB in the matter of punishment. This would apply whether the mutilatory punishment was or was not accompanied by compensation or a monetary fine.

Now, whatever the exact nature of the exculpatory clause following *bē* – H/E's "except when he has definitely kept (the child) with him throughout, until the (child's) final reassignment," or K/K's "except if he has definitely kept (the child) peacefully with him," the verdict is "guilty" when the evidence of injury and unlawful guardianship is clear, according to *all* interpretations.

To summarize: in 9.8 the Avestan text provides a potentially ambiguous standard: *rēš* and *adwadād*. The latter is glossed as *adādiha sālārīh*, "unlawful guardianship," and the juxtaposition of the two opens a debate on the relative weight of these two constraints on the actions of the escort. Is the presence of an injury *ipso facto* evidence of wrongdoing on the part of the escort, as Sōšāns had stated a generation before? Abarg, his disciple, rejects this doctrine, and understands the Avestan text as requiring evidence of both injury and unlawful guardianship.

We must, at least initially, assume careful draftsmanship on the part of the redactor. Following the Avestan text, he does not introduce the term *adwadād* until 9.8; this presumably indicates that he did intend to contrast 9.5 and 9.7 on the one hand, and 9.8 on the other. His interpretation of the sequence was that 9.5 and 9.7 are concerned with parameters of proper es-

“folk etymology” offered by Abarg in 9.8 served to connect the word *adwadād* with *adādihā sālārīh*, and does not indicate that Abarg coined the phrase. Nevertheless, this remains uncertain, since the Avestan text in chapter 15 does not contain the word *adwadād*; rather, the Avestan term is *aḍāitiī.əṇharəθrām*. Indeed, *adwadād*, though Avestan, does not appear in an Avestan text, but only in Pahlavi ones. Its Avestan context has not come down to us.⁴³ Still, it seems more likely that the folk etymology proposed by Abarg served to connect *adwadād* and *adādihā sālārīh*, and not that Abarg coined either phrase.

So much for the verdict. The sequence of cases begins with the sin of a lover who does not take care of the woman he has made pregnant; eventually, the passage deals with a bitch that goes into labor near a Zoroastrian’s house, and that too is marked as “unlawful guardianship.” Again, the text is that of Oktor Skjærvø.

The passage opens with a case of a young woman impregnated by her paramour. The man is responsible for the pregnancy, and so he is responsible for taking care of the woman, hiring a midwife, covering medical expenses, and so on. If the woman dies in labor, he is also responsible for the expenses of the funeral and proper disposal of the body.

Videvdad 15.15

*kē ō kanīgān *rawēd [kū-šan ōh gāyēd] ... kē andar xānag pidarān šōy ast ān ... kē nēst bē dādan kē az xānag pidarān pad šōy bē dād ēstēd ud abēdādan abāz ōh ... pus ōy andar dād ma ān ī amā kanīg az ān ī mardōmān šarm bē tarist daštān rawēd ud tarist āb ud urwar rawād pad daštānestān*

He who goes upon young women, [that is, he has sex with them,] ... who has a husband in her parents’ house ... who doesn’t have (such a husband), those who have been given a husband from the house of the parents and those who have not been given, back to the ... (?) and gives her a son, let not that young woman of ours go beyond her period out of shame before people, let her go past the water or plants in the *daštānestān*.

Videvdad 15.20

dādār ī gēhān astōmandān axw: agar-iz frāz rasēd kū andar nibāyēd warzišn sag ā-š kē az Mazdēsnañ sālārīh barēd

O Holy Creator of this world of bones, if that dog comes to term where it lies in labor (?) then what guardianship is brought it from the Mazdayasnians?

⁴³ As Skjærvø remarked to me (email, Jan 23, 2008).

2. Afflicting bitches who are pregnant or have just littered by improper guardianship.

This sin was punished as a *baodō.varšta-* (*bōdōwaršt*), an intentional offense. Zoroastrians were obliged to take care of pregnant bitches and those that had just littered by giving them a resting place and taking care of the puppies until they were six months old. It was regarded as an offense to beat the bitch, to drive her away or to cause an injury by shouting and startling her. The person who had killed a bitch by an offense of this kind was regarded as a *pāšō.tanū-* or *tanūpuhlīg* and was punished accordingly with the equivalent of 700 strokes of the whip.⁴⁰

Here is the apodosis, which appears several times in chapter 15, as noted:

Videvad 15.16

*agar-iš nē sālārīh burēd ēdōn ān kē abūrñāyag az adādīhā sālārīh bē rēšēd bē ān-ī
ōy rēš ēē rēšēd tōzēd pad bōdōwaršt tōzišn*

And if he doesn't accept the (lit., "bring") guardianship,⁴¹ (and) then in this way he harms that child with unlawful guardianship, but he atones for the damage with which he damages him by the atonement for *bōdōwaršt*.

The term *bōdōwaršt* is Avestan, and refers to injuries or damage done consciously, or perhaps while conscious,⁴² and is related to the *bōdōzed* of *Herb* 2.4. The "atonement" here presumably refers to a monetary payment, as is common in these texts, and the use of the word *tōzišn* is used for both. It does not refer to compensation, since there is no owner to compensate, though it is possible that a local priest would get the payment. For our purposes it is particularly important that here again we have an attestation of the term *adādīhā sālārīh*, "unlawful guardianship." Here however it is applied to a situation in which the potential caregiver *refuses* the task, even though the Avesta assigns him the responsibility. And so, even though he has not accepted the responsibility, if injury occurs, he is *ipso facto* guilty of "unlawful guardianship." The injury itself, along with the scriptural assignment of responsibility even without any acceptance, makes him liable for the injury. This text, whose Avestan source may be dated to the early first millennium B.C.E., far antedates Abarg's innovation, would seem to indicate that no independent verification of "unlawful guardianship" beyond the fact of injury, is necessary, thus reflecting, like Sōšāns, a doctrine of strict liability. This confirms our view of the nature of Abarg's innovation; in *Herb* 9.5 and 9.7; injury alone is considered evidence of guilt. It is thus likely that the

⁴⁰ Maria Macuch, "On the Treatment of Animals in Zoroastrian Law," in *Iranica Selecta: Studies in honour of Professor Wojciech Skalmowski on the occasion of his seventieth birthday*, ed. Alois van Tongerloo, Silk Road Studies VIII (Turnhout: Brepols, 2003), 184. My thanks to Professor Macuch for sending me a copy of this important paper.

⁴¹ This is an over-literal Pahlavi rendering of the Avestism (Oktor Skjærvø, personal communication).

⁴² See m.Baba Qamma 2.6. where a person is held liable for damages done even when asleep.

sible for a stray, the most logical person to take care of the dog is the one in whose property the dog is found, even if, he is “not responsible” in the strict sense. The responsibility is that of the Mazdayasnian community, and he has been chosen for the task because the dog turned up on his doorstep. so to speak.

However, the fact that his refusal is taken as evidence of “unlawful guardianship” reveals something of the mindset of the Avestan legislator, and thus something about the innovative nature of Abarg’s statement. Before continuing our examination of that, let us survey some rabbinic and Roman cases where responsibility is imputed to someone even against their will.

4. Rabbinic and Roman Parallels

The same reasoning may be found in both rabbinic and Roman law. The first source we shall consider appears in bPes 6b:

דאמר רבי אלעזר: שני דברים אינן ברשותו של אדם ועשאן הכתוב כאילו ברשותו, ואלו הן: בור ברשות הרבים וחמץ ממש שעות ולמעלה

For R. Eleazar said: Two things are not [legally] in a person’s possession, but the verse deems them (lit., “made them”) as though they (are) in his possession, and these are: a pit in a public place (which, because animals may fall therein, causes injury to animals or damage to articles they carry) and leavened material from (the time of) six hours and beyond (on the eve of Passover, when a Jew is obligated not to have such material in his possession; cf. Exod. 12:19, 13:6, Deut 15:4).

No one can take possession of a public domain, and so the pit, dug by an individual acting on his own in a public area, does not legally belong to him, but he is nevertheless held responsible for the damage it causes. Likewise, the Torah has deprived the Jew of rights of ownership of the leavening, so that he cannot dispose of it when the time of prohibition on the eve of Passover arrives; he cannot evade the sin of holding leavening over Passover. In other words, the individual involved is assigned ownership although he actually wishes to be rid of the material, but since he has not gotten rid of it before the time of prohibition, he is not allowed to mentally dispose of it, a course of action otherwise permissible, as the subsequent discussion in the Bavli makes clear.

Roman jurists also dealt with the paradox of one who opens a pit in a public place, and, though the pit does not technically belong to him, is nevertheless responsible for any damage that occurs because of it, as recorded in Justinian’s Digest 9.28:

PAUL, Sabinus, book 10: People who dig pits to catch bears and deer are liable under the *lex Aquilia* if they dig such pits in a public place and something falls in and is damaged, but there is no such liability for pits made elsewhere, where it is usual to make them. 1. But this action is only given for good reason, that is, if no warning

Videvdad 15.21

u-š guft ôhrmazd kū kē az ôy nazdist mân ul-dād êstēd ka-š xānag dar nazd ā-š pad ôy abar sālārīh u-š hamē az ān sālārīh burd tā ka ān kē sag ul-rasēd.

Ohrmazd says: He who has raised a house closest to it, that is, the door of his house is closer, then on him is the guardianship, and he carries guardianship for it until that dog comes up (the bitch recovers from labor, etc.?).

Videvdad 15.22

agar-iš nē sālārīh bard (= barēd) ēdōn awēšān sag az adādīhā sālārīh rēšēnd bē ān-ī awēšān rēš ēē rēšēnd tōzēnd pad bōdōwaršt tōzišn (ay ēn sag-ē(w) ī pad rāh ī šahr būd ēstēd ēk kē xānag dar nazd ôy bē parwārišn ud ka murd ôy bē barišn ān ī pad dēs Huspārom ēw-cand hēnd āgenēn dar rāst har(w) ēk sē šab bē parwārišn ud pas ka atūwāngarih pāydg bē ô ôy ī tūwāngar abespārišn ud ka nē bē ô ôy weh abespārišn

*Gōgušasp guft ay ka hamāg bē ô ôy ī weh abespārišn ud pad ān gyāg *hambāhišn ā-šan pad āgenēn bē parwārišn ud ka bē mirēd ā-šan pad āgenēn bē barišn ān pad gyāg hambāhišn a-m nē rōšnag kū ēdōn bawēd cīyōn pad rah ī šahr ayāb ēdōn bawēd cīyōn pad gyāg ī *hambāhišn.*

If he does not bring her guardianship, then they damage those dogs from (the point of view of) unlawful guardianship but they will atone for the harm with which they harm her with atonement for *bōdōwaršt*. This means: this is a dog who is on the road to town, and one person whose house door was close, he should raise (or: to take of) (a puppy). And if it died then he would have to carry it away, as indicated in the *Huspārom* (Nask).⁴⁴ If there are several together on the street, and their door are all straight, then each should take care of her for three nights (that is, they share equal responsibility). And if one is found to be incapable, then it should be handed over to the one who is capable. And if there is no one, then it should be handed over to the best.

Gōgušasp said: It means that it should always be handed over to the best one. And she should be laid down there. And then they should raise her together.

And if she dies, they should remove her together. As for the place where she has been laid down, it is not clear to me whether it is like the road to the town or whether it is like in the place where she is laid down.

Though the ending of 15.15 remains obscure, the case is clear. Note that while the man is clearly responsible for the pregnant woman, since after all he made her pregnant, here that case is equated with that of a dog that deposits itself at a householder's door. First, it should be noted that this juxtaposition should be taken as an index of the high esteem in which dogs were held rather than a denigration of women. Nevertheless, the juxtaposition is strange in another way. While the lover's responsibility is clear, one may ask why the householder is responsible for the dog, and why is he guilty of *bōdōwaršt* when he declines that responsibility? It would seem that, given the esteem in which dogs were held, and the need to have someone respon-

⁴⁴ *Huspārōm* is one of the sections of the Avesta.

noted, that the refusal *on its own* would not have been sufficient to make him guilty. This in turn reflects the sensitivity shown elsewhere in the *Videvdat* for the problem of intentional versus unintentional sin. Thus, in a paradigmatic case in 5.1–5.3, with which I have dealt in detail elsewhere,⁴⁷ a person inadvertently causes pollution to the fire, and Ohrmazd (the Creator and Legislator) excludes the man from sin even though he has unknowingly transgressed one of the most severe sancta in the Zoroastrian canon, causing pollution to fire. The Sasanian commentators then discuss the parameters of this dispensation in a long passage in 5.4. Here the case is somewhat different, since while the injury is not intentional, the refusal to acknowledge responsibility is quite conscious. However, since the man refusing guardianship has not actively caused injury to occur, the legislator could only convict him at one remove: that is, by equating the refusal with “unlawful guardianship.”

In a recent study, Macuch has called attention to the definition given for *bōdōzed* in *Frahang ī Ōīm* (a lexical text specializing in Avestan words; henceforth *FīO*). This definition seems to limit its use to offenses against animals:

Frahang ī Ōīm 25a

az bōdōwaršt frahist bōdōzed ān ī gōspandān pad nigerišn bōdōzed pad sūdāgīh kādōzed.

Most of the *bōdōwaršt* (“wilfull offenses”) are classified as *bōdōzed*. Those (sins) against cattle are (called) *bōdōzed* when deliberate (*pad nigerišn*), (and) *kādōzed* when due to negligence (*pad sūdāgīh*).⁴⁸

According to the *Frahang ī Ōīm*, then, *bōdōzed* is limited to damages to animals through *negligence*. But, as we shall see, this term is used in a far wider manner in our sources, and besides, the Avestan term itself implies conscious damage. As noted above, Macuch herself, in summing up the uses of the term, states that:

We may conclude from these definitions that the technical terms *bōdōzed* ... and *bōdōwaršt* ... both denoted offences that were committed deliberately and intentionally, whereas *kādōzed* ... designated offences by which injury was caused by negligence. These expressions were by no means restricted to offences against animals, but were used of various kinds of injuries, including deliberate and negligent sully-ing of fire, water, and the *drōn* offering, damaging food, such as corn, destroying and harming objects, such as walls, clothing and property, tormenting poor people.⁴⁹

⁴⁷ At a paper given at AJS in Toronto, December, 2007.

⁴⁸ See Macuch, “On the Treatment of Animals in Zoroastrian Law,” 167–90; the passage appears on 180. For *Frahang ī Ōim*, see Hans Reichelt, “Der *Frahang ioim*,” *WZKM* 15 (1900): 177–213.

⁴⁹ *Ibid.*, 181–82.

was given and the plaintiff did not know of the danger, nor could he have foreseen it; and many cases of this sort can be seen in which the plaintiff falls, because he could have avoided the danger.⁴⁵

The coupling of an action for which one is clearly responsible with one which the obligation is scripturally determined is clear here. Roman law, which is famously private law, and not religious law, considers only the case in which the person's responsibility is clear. In contrast, the Avesta, like the rabbis, *extends such responsibilities to religious obligations*. Little in the way of public law is dealt with (though there are exceptions), and hardly any religious law,⁴⁶ unlike Jewish and Zoroastrian legal/ritual sources. This mixture of civil and religious obligations is illustrated by the two citations above. This conforms with the mixture of private law and ritual/religious law found in both the *Videvdad* and the *Hērbedestān*, as with the rabbinic corpus.

5. Bōdōwaršt and Strict Liability

It is of particular interest to note that the sin of refusing to assume responsibility is *equated* with “unlawful guardianship” when it could have been considered *on its own*, that is, an evasion of responsibility, perhaps a form of *sudagīh*, “indolence” – or, as it is equated in a perhaps later text, “negligence,” with an Avestan-type term, *kādōzed*. The fact that it is not used here may indicate that while *bōdōzed* and *bōdōwaršt* constituted a recognized category at that time, *kādōzed* did not. However, the occurrence of *kādōzad* in *Herb* 2.4.1, whatever its exact meaning, suggests that the redactor of *Herb* may well have had a term that included “negligence” within its range of meaning. We will return to that point below.

Despite all this, however, and as we might have expected, the *Videvdad*'s Zand does not take us beyond the position of strict liability outlined by Sōšāns and KAB. Nevertheless, the use of the term *adādīhā sālārīh* in chapter 15 is confined to the translation of the Avestan passages, and not attributed to any post-Abarg authorities; injury to the dog, even though not intentionally caused, is considered as “unlawful guardianship” and *bōdōwaršt* – but not *kādōzed*, suggesting that the redactor of V 15, like Sōšāns and KAB, was working within a framework of strict liability.

Indeed, the fact that “unlawful guardianship” is then equated with a *bōdōwaršt* sin may take us in another direction as well; it suggests, as just

⁴⁵ *The Digest of Justinian*, vol. 1, translation edited by Alan Watson (Philadelphia: University of Pennsylvania Press, 1997); since the English translation is keyed to the Latin page, there is no pagination.

⁴⁶ For an interesting theory on how this situation came about, see Alan Watson, *The Spirit of Roman Law* (Athens, GA: University of Georgia Press, 1995), 42–56.

It seems to me that this too is part of what the redactor is referring to when he prefaces Abarg's statement not with the usual *guft*, "he said," but with *abarg ēn wāz-ēw ō ...*, or, as Skjærvø renders it, "Abarg (interpreted) this one word [then: illegible word]."

Below we will consider whether this too was part of Abarg's innovation. At this point, we should at least raise the question of whether the term *adādīhā sālārīh* was available to Abarg from the comments of his predecessors on V 15, or whether he himself had introduced it. We may likewise inquire into when the term *bōdōwaršt* began to be broadened, as Macuch shows that it was. I see no hope at this point to answer such questions; a good deal of work remains to be done on these texts. If the term existed in Abarg's time, his innovation was introducing it into the context of the case in *Herb* 9; if it had not, then it may be that his innovation was then taken up by the redactor of chapter 15, a possibility that seems less likely, but hardly impossible.

One more point regarding Sōšāns' view of *adwadād*. It might be argued that 9.7 and 9.8 actually have little relation to each other, and we simply lack the Sōšāns-tradition relevant to 9.8. This cannot be the case, because 9.8 exhausts the relevant cases: Abarg deals with a case in which there is proof of both *rēš* and *adwadād/adādīhā sālārīh* or, alternately, there is *rēš* but no proof of *adwadād*, while Rōšn deals with a case in which there is proof of *adwadād* but not of *rēš*, and Weh-dōst deals with a case in which there is proof of neither. Thus, in this carefully constructed pattern of statements, *nothing* remains for Sōšāns to say on this matter; and all contingencies of the new paradigm have been accounted for.

Sōšāns' contribution is clearly pre-Abargian, quite apart from the chronological consideration that he was Abarg's master. That is, Sōšāns' position in 9.5 and 9.7 is that *rēš* alone is evidence of *adwadād* or *adādīhā sālārīh*, assuming that the latter two are equivalent for him. The implications of this conjoining of 9.7 and 9.8 are then of great importance in tracing the development of Sasanian law, and, indeed, of rabbinic law as well. Sōšāns seems to express a view of tort law that is known in common law as "strict liability," that is, that the escort is responsible even when circumstances are beyond his control. By interpreting *adwadād* as *adādīhā sālārīh*, Abarg has added a new element to this equation: unlawful guardianship as a factor in assessing liability. Still, as we have seen, the use of this term in V 15 does not help us understand the nature of Abarg's use of it.

Turning to the Bavli, the early fourth-century rabbinic authority Rabbah is reported to have proposed a series of more than a dozen hypothetical cases that attempt to work out the different degrees of intentionality or unawareness in assessing the degree of liability in such cases (see Baba Qamma 26b-27a). In b.Baba Qamma 32a, he created a new category of liability, *shogeg qarov le-mezid*, "unintentional [violation] (that is) close to intention-

However, here and in chapter 15, the entire debate is carried out within terms of intentional and unintentional sin but not negligence, and, indeed, *kādōzed* is not mentioned in these passages at all. It would seem that that issue had not yet been raised. But an argument from silence when the cases are not all that clear is hazardous. Nonetheless, had negligence been seen as a possible issue, we might well expect that the cases *would* have been clearer in that respect. Instead, the terms of the discussion are deliberate/unwitting transgression. In each of these cases we are dealing with animals or substances (water, fodder) that require care that the person responsible does not provide, whether intentionally, negligently, or perhaps something in between, what we might now call “criminal negligence.” However, the concept of negligence does not appear *explicitly* in the discussion of these cases, though, as we have seen, it may do so in *Herb* 2.4.1, if we accept the tradition of *Frahang ī Ōīm*. We now return to the *Hērbdestān*.

6. And Back to the *Hērbdestān*

In *Herb* 9.8, Abarg seems to be addressing a similar problem: the escort has not deliberately caused injury to the child, but it is his “unlawful guardianship” that has allowed the injury to occur. Abarg’s solution is thus to require not only evidence of injury, but also evidence of unlawful guardianship – and that unlawful guardianship may indeed include an element of negligence.

This brings us to another aspect of this question that must be examined. The disputes between Sōšāns and KAB revolve around “objective” factors: how far, in what manner, etc., the child was escorted. “Subjective” matters touching on the escort’s motivations are absent. In particular, the question of negligence is not raised. In other words, despite Abarg’s modification of the doctrine of strict liability, it is not clear how far toward the inclusion of negligence in tort law he went.

Our passage may date from a time when subjective factors were not considered. As noted above, negligence is a comparatively late arrival on the legal scene as a concept in and of itself, denoted by a specific legal term, and thus as a factor to be considered in its own right. The earliest rabbinic legal compilation, the Mishnah, does not have a term for it; *pešīʿah* in Hebrew, or *pešīʿuta* in Aramaic, was devised by the early fourth-century sages or their successors, the redactors of the Bavli.⁵⁰

⁵⁰ Use of the Aramaic form is attributed to R. Nahman in Baba Mezia 35a, and R. Yosef in B.M. 42a. Whether these terms were actually used by them, or whether they had expressed themselves differently, and the terminology is redactional, is still a possibility.

Hērbedestān 9.8.2

*rōšn*⁵⁶ *guft hād ka adādīhā sālārīh ka-iz ī ōh rēš nē paydāg warōmand u-š ō bōxtīšn ka-š wināhgārīh wēš nēst kū ān ī pad brīn zamān abāz nē nayēd pas az brīn ka pad zamān awināh gug-ēw bē awarēd*⁵⁷ *ā-i, ān ī awināh.*

Rōšn said: Well, (but) when there is custody not (kept) according to the law, but also his injury is not apparent, it is to be tested and he must release it (= the child) in the usual way.

When his crime is no more than that he does not lead it back by the appointed time, when, after (he remembers) the deadline, (he does it) immediately, no crime.

(If then) a wolf eats it, then too he is the one guilty of no crime.

The pattern is fairly clear, even if the details are not. If there is evidence of both injury and unlawful guardianship, the escort is guilty and must pay the penalty of mutilation, unless the child has died of natural causes. One wonders whether the *rēš* here involves unavoidable death, an “act of God,” since there is no exculpation for a non-fatal injury. What would Abarg’s verdict have been had there been evidence that the injury was also unavoidable? Is “death” here a technical term for injury? That seems unlikely, given the availability of evidence of the injury itself. In any case, if the escort is guilty even if the injury was unavoidable, we then remain, as with Abarg’s master Sōšāns, with a doctrine of strict liability. Since I suggest that Abarg departed from this doctrine, the escort would not be held responsible in such a case.

Hērbedestān 9.8.2

*weh-dōst guft ēk-iz nē paydāg warōmand
ad az pasušhorw and juttar bawēd kū ō pad gāw*⁵⁸ *ēwar bē kunišn.*

Wehdōst said: (When) even one is not apparent, it is to be tested.

And it is different from a case of *pasušhorw* to the extent that must be ascertained on the cow.

Since we are unsure of what the “case of *pasušhorw*” is, it is difficult to determine the difference between the two. K/K read *tan* in place of H/E’s <TWRA> *gāw* “cow,” but the reading is not in question. The relationship between the shepherd’s dog and the cow is also not clear. However, though the details are unclear or unknown, the general drift can be discerned. Since the two cases are dealt with together, we may assume that they both deal with evidence that is unavailable. Thus, we may assume that the case is one of doubt, but one in which, it would seem, the doubt is of a different nature or degree than ours. This in turn suggests that *warōmand* here may yield an

⁵⁶ TD reads *rōšnag*.

⁵⁷ Both OŠTWN/OŠTEN-yt. Presumably the wrong beginning was deleted (or not) in the original.

⁵⁸ Both TD and HJ read TWRA.

al" – i.e., carelessness.⁵¹ Once again, as in the case of conditional gifts,⁵² or of temporary marriage,⁵³ or of gifts in contemplation of death,⁵⁴ or of the case of a rebellious wife,⁵⁵ these two systems of law, the Sasanian and the rabbinic, overlapping in time and space, and in many respects sharing a common universe of discourse, a common economy and to a larger extent than we might have anticipated, a common culture, proceed in intellectually similar directions.

One last point before we return to our *Hērbedestān* passage. The case for which Rabbah creates the category of *shogeg qarov le-mezid* is the following, which is cited in Baba Qamma 32b:

ת"ר: הנכנס לחנותו של גגר שלא ברשות, ונתזה בקעת וטפחה על פניו ומת - פטור, ואם נכנס ברשות - חייב.

Our rabbis taught: One who entered a carpenter's shop without permission, and a chip of wood flew off and struck him in the face and he died, [the carpenter is not guilty], but if he entered with [the carpenter's] permission, [the carpenter] is guilty.

Here the carpenter implicitly accepted responsibility for the entrant's safety by giving him permission to enter. The one responsible for the bitch's health has not accepted responsibility, though the Avesta imputes responsibility to him.

To return to our *Hērbedestān* passage: Once Abarg's insistence that evidence of both *rēš* and *adwadād* is accepted, as the further development of his suggestion by Weh-dōst and Rōšn seems to indicate, the question arises of what to do when there is insufficient evidence of liability. What if evidence of only one factor is available? It is to this case that the *Hērbedestān* now turns, and it is regarding this issue that a dispute arises between two other scholars, Rōšn and Weh-dōst.

Below, we will consider whether "unlawful guardianship" includes negligence, but for now, let us examine, all too briefly, paragraph 9.8.2 on the relative weight of *rēš* and *adādihā sālārīh*. For convenience, I will rehearse Skjærvø's edition of this passage:

⁵¹ On this see the important article by Aharon Shemesh, "'Shogeg Qarov le-Mezid': le-Verur Yetzirato shel ha-Musag be-Torat ha-Amora'im," *Shnaton ha-Mishpat ha-Ivri* 20 (5757): 399–428.

⁵² See my "Returnable Gifts in Rabbinic and Sasanian Law," *Irano-Judaica*, vol. 6, 150–95.

⁵³ See my "Middle Persian Culture and Babylonian Sages" (n. 5 above), especially 171–73.

⁵⁴ See my "Yeshivot Bavliyyot ke-Vatei Din," in *Yeshivot u-Vatei Midrash*, ed. Emanuel Etkes (Jerusalem: Makhon Shazar, 2006), 31–55.

⁵⁵ See my "'Up to the Ears' in Horses' Necks: On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *JSIJ* 3 (2004): 95–149, especially 101.

ship of a father and child and a teacher and student are sharply removed from the realm of torts. Indeed, this went so far in rabbinic society that Rava, the fourth-century rabbi of Mahoza, whose knowledge of Zoroastrianism I have demonstrated elsewhere,⁶⁰ suggests at one point that even a mature student may be beaten by his master, in line with Proverbs 29:17, "correct your son and he will give you rest" (see b.Makkot 8a-b). This is in contrast to the law regarding a father's rights, where he is not permitted to beat a child who is no longer a minor (b.Moed Qatan 17a). However, the clearest statement of this rule is to be found in Tosefta (t.Baba Qamma 9:11):

האב המכה את בנו והרב הרודה את תלמידו וכולן שהכו ושהזיקו הרי אילו פטורין חבלו יותר מן הראוי
 להן הרי אילו חייבין
 שליח בית דין שהכה ברשות בית דין והזיק פטור יתר מן הראוי לו הרי זה חייב
 רופא אומן שרפיא ברשות בין דין והזיק פטור חבל יתר מן הראוי לו הרי זה חייב

A father who beat his son and a master striking his pupil, and all of them who struck and caused injury are free of liability. If they committed an injury greater than the [victim] deserved, they are liable.

An agent of the court who struck with the permission of the court (as when the victim had been sentenced to a whipping) and did injury is not liable; [if this was] more than he deserved, this one (= the agent) is liable.

An expert physician who plied his trade (lit., "who healed") and did injury is not liable, if he committed an injury more than the case required, this one (= the physician) is liable.

Roman law took much the same attitude, as we find in D.9.2.5.3, taken from Ulpian, *Edict*, chapter 18, quoting Julian:

Julian also puts this case: A shoemaker, he says, struck with a last at the neck of a boy (a freeborn youngster) who was learning under him, because he had done badly what he had been teaching him with the result that the boy's eye was knocked out. On such facts, says Julian, the action for insult does not lie because he struck him not with intent to insult, but in order to correct and teach him; he wonders whether there is an action for the breach of the contract for his services as a teacher, since a teacher only has the right to administer reasonable chastisement, but I have no doubt that action can be brought against him under the *lex Aquila*.

To this the Digest adds the following from Paul: "for excessive brutality on the part of a teacher is blameworthy."⁶¹

It may be wondered why I am citing rabbinic and Roman cases regarding injury as a result of the disciplining of a student; the reason is simple and profound: the systems of rabbinic and Roman law do not, so far as I know, contain a comparable case to that of the *Hērbedestān* in regard to escorting a

⁶⁰ See my "Acculturation to Elite Persian Norms in the Babylonian Jewish Community of Late Antiquity," *Neti'ot le-David: Jubilee Volume for David Weiss Halivni*, eds. Yaakov Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot, 2004), 31–56.

⁶¹ For all of this, see *The Digest of Justinian*, vol. 1, translation edited by Watson; in order for the Latin and English pages to correspond, the edition is not paginated.

indeterminate result. Skjærvø is reluctant to render *warōmand* as “doubtful,” and prefers to see it as “a matter to be tested,” presumably in a court of law, or perhaps by ordeal, but in either case the question is what degree of uncertainty is covered by this term, and whether a court can really decide the case.

7. The Status of a Teacher and Master in Sasanian, Rabbinic, and Roman Laws

In the light of the foregoing, I think we may make several suggestions, with due hesitation. First, we must remember that the Zand on the *Hērbedestān* is not a legal document, nor even a pure reflection of Sasanian conditions, but an exegetical compilation that attempts to bridge the gap between Avestan conditions, later traditions, and Sasanian conditions. Indeed, as I have shown elsewhere, the *Hērbedestān* may incorporate within itself the legal consequences of a long series of economic and cultural changes and their consequences. It may be that there were established schools in Ctesiphon and Staxr, but the Zandist had no need to refer to them here, though he does elsewhere.⁵⁹

Second, the itinerant teacher-priest of *Hērbedestān* is not referred to as a *sālār*, nor was he an “escort,” or a guard, a *pāšban*; indeed, he is not given a designation beyond “the one who accompanies the child” in these chapters at all. I suggest that despite the use of the word *sālārīh* for the institution of guardianship, the apparent avoidance of the term *sālār*, “guardian,” suggests that the escort is not a legally recognized *sālār*. He was the child’s teacher, and thus *not* liable for injury due to negligence, *kādōzed*, a term that we will discuss in more detail below in an appendix. That may be why the word is not used, although, as we shall see, there is another possible explanation. Again, according to Abarg he was not necessarily liable unless *adādīhā sālārīh* and *rēš* could be proved. This indeed may have been the point at issue between Abarg and Weh-Dōst: according to the latter, even with the absence of proof of *rēš*, the question of liability could be raised with only some indication of *adādīhā sālārīh*. Once again, we see why Sōšāns and KAB were not involved in this discussion, which went far beyond the legal consensus in their time.

Thus, the teacher is in a unique position *vis-à-vis* his students, and 9.8 is an expression of this, one with which the preceding paragraphs and disputes do not deal. Indeed, there are rabbinic and Roman parallels to the lenient treatment of the teacher/priest in 9.8. In Mishnah Makkot 2.2 the relation-

⁵⁹ See my “The *Hērbedestān* in the *Hērbedestān*: Priestly Teaching from the Avesta to the Zand,” to be published in *Irano-Judaica*, vol. 7.

legally the same as that of a guardian in a settled society. Such a precedent remained in force even in Sasanian times, when the child was taken for study at a centralized *hērbedestān* far from home.

In allowing the child to go for priestly training, the father gives up some of his rights.⁶⁴

Another point may be made in this connection. It seems to me that there is a difference in attitude to the responsibilities of guardianship in the two societies. The refusal or reluctance of a person to act as guardian (at least for humans) does not seem to surface in Sasanian law, even though reluctance to act as a *stūr* does; MHD 36:14–16 gives the father the right to designate his daughter as a *stūr*, that is, one who will run his estate, but may not force her into a sexual relationship, which remains under her own control:

MHD 36:14–16

ud abāg anī guft kū mard duxt ī xwēš pad akāmagōmandīh ī ān duxt pad stūrīh bē dād pādixšāy pad stūrīh ēd rāy bē pādixšāy dād ēē-š windišn pad pid ēstēd ud pad zanīh ēd rāy nē pādixšāy ēē duxt gād pad xwad ēstēd.

And together with this he said: A man is permitted to appoint his own daughter as a *stūr* against her will, but he is not permitted to give her as a wife against her will. He is permitted to appoint her as a *stūr* because the income belongs to him, but he is not permitted to give her as wife, because (the disposition) of her sexuality (literally, “sexual intercourse”) belongs to her.

While this passage is interesting from many points of view, I quote it here to point out that the daughter may be appointed to run an estate (presumably when there is no son, or no son suitable for the job)⁶⁵ against her will. In contrast, some rabbis refrained from forcing an *apotropos*, a guardian of a minor child, from having to take an oath because it might dissuade him from taking on the responsibility (b.Gittin 52b):

אפטרופוס שמינהו אבי יתומים - ישבע מאי טעמא? אי לאו דאית ליה הנאה מיניה לא הוה ליה אפטרופוס ומשום שבועה לא אתי לאמנועי

מינוהו ב"ד לא ישבע מלחא בעלמא הוא דעביד לבי דינא ואי רמית עליה שבועה אתי לאמנועי אבא שאול אומר חילוף הדברים

מ"ט? מינוהו ב"ד ישבע בההיא הנאה דקא נפיק עליה קלא דאיניש מהימנא הוא דהא סמך עליה בי דינא משום שבועה לא אתי לאמנועי מינהו אבי יתומים לא ישבע מילתא בעלמא הוא דעבדי להדדי ואי רמית עליה שבועה אתי לאמנועי

[The Mishnah states:] A guardian who was appointed by the father of the orphans is required to take an oath. What is the reason? If he were not to derive some benefit

⁶⁴ For the textual support for this contention, see the paper referred to in nn. 17 and 59, to appear in *Irano-Judaica*, vol. 7.

⁶⁵ The fact that a woman could be considered capable of caring for property when a man could not do as well is clearly expressed earlier in *Herb* 5.4: “when the wife has competence in livestock, the husband shall go away.”

would-be pupil for training, because their educational systems *do not contain remnants of a nomadic past*. As I have shown in a paper given at the Irano-Judaica conference in Hamburg in 2006, priestly training as depicted in the earlier layers of the *Hērbedestān* date back to a time when the acolyte simply accompanied the priest who was to train him as he took care of his cattle or sheep. Only later, with the rise of a more settled society, was training confined to a place – and both situations are dealt with in the book.⁶²

Another point may be made, this one about differing attitudes in the two societies in regard to guardianship. In rabbinic law, the concern that a guardian may not accept the responsibility guided rabbinic legislation regarding the *apotropos*. In an authoritative summing up, the great thirteenth century authority, Nahmanides, suggests that this concern operated to the extent that the guardian was not liable even in cases in which *witnesses testified* that he was negligent.⁶³ Clearly, judging from MHD 29.8-11, Sasanian law would not have allowed such a leniency in regard to a *dūdag sālār*, but it would seem to have done so for a teacher, since according to Weh-dōst, even evidence of *adwadād* is not sufficient to convict without evidence of *rēš*.

This may also account for a major concern of the *Hērbedestān*, when the child will be brought back to his family, and what happens when the deadline passes and the child has still not appeared, a situation which it would seem, at least to the modern mind, to have been approached with disproportionate leniency. Compare this to the similar case found in the Sasanian Lawbook:

MHD 29.8-11

az dastwarān ōwōn nibišt kū pid sālārīh ī aburnāyāg ī-š pad sālārīh bē dād hamē ka-š kāmāg kāmēd abāz stad pādixšāy.

From the authorities it has thus been written: A father is authorized to take back the guardianship of his minor (child), whose guardianship he has given (to someone else), whenever he wishes.

While much remains to be clarified regarding the terminology of *Herb* 10, it is clear that this provision of MHD does not apply to those cases. Some of the differences between MHD and *Herb* may be due to circumstance, that is, in MHD the child presumably remains “in the neighborhood,” and the father can demand his return at any time, while here in *Herb* the child has been taken away from the neighborhood, and his return may take some time. But if the whereabouts of the teacher-priest and the child are not known, and there is no fixed location for the *hērbedestān*, as was the case in Avestan times, we may easily understand that the guardianship of the priest is not

⁶² See n. 59 above.

⁶³ See his comments in his *hiddushin* to b.Gittin 52b, *Hiddushi Ha-Ramban al maasheet Gittin*, ed. Eliyahu Refael Hishrik (Jerusalem: Makhon Ha-Rav Hirschler, 1995), col. 311.

*xwāstag ēn ēiyōn būdyōzadag ud *kādyōzad*⁷⁰

The harm to the livestock, what(ever) the harm, (that) he pays.

This property is like ‘destroyed intentionally’ and unintentionally’

In this Skjaervo follows K/K’s emendation of the last term to **kādyōzad*. As noted by Macuch in her review, quoted above, the emendation is “very plausible,” though ultimately Macuch suggests that the passage can be read without it. Nevertheless, the emendation supports her view of the term’s use. In her review, she states:

Their emendation ‘**kādyōzad*’ (2.4) is very plausible, since the terms *būdyōzad* and *kādyōzad* as terms for certain kinds of offences (intentional injury and injury through negligence; K./K. define the latter as ‘unintentional injury’) are very often attested together... However, the whole passage also makes sense without emendations, if we keep the background described above (4.1) in mind, and could be read (TD 2r, 11ff.): *ān ī ō gēhānān rēš ēē rēš tōzēd xwāstag ēn ēiyōn būdyōzadag ī ast duzīdan ī zamīg-iz ka ā-bar bē šawēd ā-z pad ēd šōn*. “He from whom the damage to the property (comes), shall pay for the amount damaged. Property in this (case is dealt with) as intentionally injured (= as a *būdyōzad*), which is also theft of land; when it (= the land) becomes unfertile, it is also in the same manner.”⁷¹

Although Macuch calls K/K’s emendation “plausible,” she concludes that it is ultimately unnecessary, and reads the *Hērbedestān* passage without it, and so it appears only by implication – which means that *it does not appear*. However, as noted above, Skjaervo, after an extensive review of the range of spellings for *kādyōzad* and its variants, has most recently (February 17, 2008) suggested that the word may indeed appear in *Herb* 2.4.1. And, indeed, the two do appear together in *The Sasanian Lawbook* (MHDA 15:2–4), as she pointed out in an email to me (January 16, 2008), though there is no indication of their range of meaning, in particular, whether the latter includes negligence. This distribution would support Macuch’s view of *kādōzed*, and the tradition of *FīO*.

What does this imply? If *kādyōzad* does mean “injury through negligence,” as Macuch assumes, it may be *adādihā sālārīh* does *not* refer to negligence, but simply to unlawful guardianship, either leading the child too far, according to Sōšāns, or in a different manner than specified by the family, according to KAB. If that is the case, however, then if the child is injured when properly guarded, or when there is no evidence of improper guardianship, the escort is not liable. But what then if he was *negligent*? Would he not be liable at all? The facts of the case argue for the recognition by Abarg of negligence as a contributing factor. Still, there is the possibility that *FīO*

⁶⁸ Both TD and HJ read MH *ēē*.

⁶⁹ Both TD and HJ read *rēš ī wtwcyt*.

⁷⁰ HJ *bwtywktz*; TD *’yt-ywzyt*.

⁷¹ See Macuch, review of *The Hērbedestān and the Nērangestān*, vol. 1: *Hērbedestān*, BSOAS 58, 2 (1995): 373.

from this, he would not become a guardian, and he will not be deterred by the requirement of an oath.

[The Mishnah continues:] If, however, the court appointed him he is not required to take an oath. [The reason is that] he assumes the office only because of the court, and if an oath is to be imposed on him, he would refuse.

[The Mishnah continues:] Abba Saul says that the rule is the reverse. What is the reason? If the court appoints him, he is to take an oath, because for the sake of the benefit he derives from the reputation of being a trustworthy man on whom the court relies he is not deterred by [the prospect of] an oath. [If, however,] the father of the orphans appoints him, he does not take an oath, as it was simply a friendly action between the two, and if you impose an oath on him, he would refuse.

The reason for the difference seems to be the greater cohesiveness of the landed families of the Sasanian upper classes than those of the middle-class rabbis and their constituents, generally speaking. As David Johnstone notes in regard to upper-class Roman society:

How easy it was to find someone to undertake this obligation (of security or surety – Y.E.) would of course vary from case to case, but there is little doubt that undertaking personal security was part of the code of (mainly upper-class) social duty which was based on friendship and good faith. As Fritz Schultz said, Roman friends made mutual demands on each other which would in many cases cause a modern “friend” to break off the friendship without delay!⁶⁶

In this, as in matters of succession,⁶⁷ the rabbis differed greatly from Roman and Sasanian upper-class society.

Appendix: Does “Unlawful Guardianship” Include Negligence as a Factor?

We concluded above that the texts we have examined from the *Videvdad* do not mention negligence as a legal category in any clear manner, but, if we accept the traditions embodied in *FīO*, the *Hērbedestān* may well do so, as Macuch has suggested. Indeed, as noted, *Herb* 2.4.1, where the responsibilities of the family-member left behind to take care of the family property when a sibling goes away for priestly training are defined, includes both terms:

Hērbedestān 2.4.1

ān ī ō [ī] gēhānān rēs cē⁶⁸ rēs tōzēd⁶⁹

⁶⁶ David Johnstone, *Roman Law in Context* (Cambridge: Cambridge University Press, 1999), 89.

⁶⁷ For the differing attitudes, see my “Marriage and Marital Property in Rabbinic and Sasanian Law,” in *Rabbinic Law in Its Roman and Near Eastern Context*, ed. Catherine Hezser (Tübingen: Mohr-Siebeck, 2003), 227–76, and in my “The Socioeconomics of Babylonian Heresy” (n. 3, above), 85–86.

dactors of *Herb* 2.4.1, where, it refers to damage to land. All the other sources that Macuch cites are later, that is, post-Sasanian.

In PV 5.67, *bōdōzedih* appears in a statement attributed to Nēryōsang, who refers to intentional damage, or rather, allowing damage to occur without attempting to prevent it. The damage – in this case, corpse-pollution – is to the water in which a corpse is found, as described in the PV 5.7. Once again it is significant that *kādōzed* is not mentioned.

Unfortunately, only two statements of this jurisconsult are preserved, the other being in *ŠnŠ* 8.13 in regard to repentance, if indeed this Nēryōsang is the same person. Once again, though, the term *kādōzed* does not actually appear. In any case, Nēryōsang is mentioned after Abarg, implying perhaps that he came later. If so, the use of the term *kādōzed* as designating “negligence,” as per *FtO*, may post-date Abarg. Another contributing factor to his coinage of *adādihā sālārīh* may be that *kādōzed* was not taken to apply to injury to humans, and Abarg then coined *adādihā sālārīh* to fill in the gap.

In either case, that is, whether “unlawful guardianship” includes negligence or not, Abarg would have developed Sasanian tort law one step beyond Sōšāns and KAB. Conviction of the escort would require not only proof of injury, as the earlier generation decided, but also proof of “unlawful guardianship.” If this step relates *only* to the question of proof, the step is modest, and relates primarily to determining the relationship of *rēš* to *aōbadāt* in the Avestan text, as noted above.

At this point in our research on Sasanian law, however, it seems to me that we simply lack the data to determine whether “unlawful guardianship” included negligence or not. As Macuch cautioned in an email dated January 15, 2008: “Our sources are so few that absolutely nothing can be concluded from the fact that the issue of negligence is not dealt with extensively.” But the possibility is so intriguing that I thought it worthwhile to include this discussion as an appendix.

Negligence in Rabbinic and Roman Law

However, if this category of unlawful guardianship *does* include negligence, then we may observe, as I noted above, the movement of Sasanian law from a doctrine of strict liability – that the escort is liable even when the injury was unavoidable or unintentional, to one that requires negligence as well. This would then parallel the development in rabbinic law during the first half of the fourth century, where negligence and due diligence were taken into account. But, as noted, even if *adādihā sālārīh* does *not* include negligence, its inclusion by Abarg and his contemporaries indicates a move away from strict liability, since *rēš* alone does not make the escort liable for injury to the child. However, given the trajectory of other late antique legal

simply retrojects a later understanding of the term to a time before negligence was recognized as a concept unto itself. However, the parallels to Roman and rabbinic law, and the exigencies of a court calendar, argue otherwise.

In a recent study, quoted above and repeated here for convenience, Macuch has called attention to the definition given for *bōdōzed* in *Frahang ī Ōm*, a lexical text specializing in Avestan words. This definition seems to limit its use to offenses against animals:

Frahang ī Ōm 25a

az bōdōwaršt frahist bōdōzed ān ī gōspandān pad nigerišn bōdōzed pad sūdāgīh kādōzed.

Most of the *bōdōwaršt* ("wilfull offenses") are classified as *bōdōzed*. Those (sins) against cattle are (called) *bōdōzed* when deliberate (*pad nigerišn*), (and) *kādōzed* when due to negligence (*pad sūdāgīh*).⁷²

According to *FīO*, then, *bōdōzed* is limited to damages to animals through negligence. This piecemeal approach to negligence fits in very well with the Roman and rabbinic approaches to dealing with cases of negligence in the era before a general theory of negligence was developed in the medieval times. Macuch herself, in summing up the uses of the term, states that:

We may conclude from these definitions that the technical terms *bōdōzed* ... and *bōdōwaršt* ... both denoted offences that were committed deliberately and intentionally, whereas *kādōzed* ... designated offences by which injury was caused by negligence. These expressions were by no means restricted to offences against animals, but were used of various kinds of injuries, including deliberate and negligent sully-ing of fire, water, and the *drōn* offering, damaging food, such as corn, destroying and harming objects, such as walls, clothing and property, tormenting poor people.⁷³

Though the earliest source for the equation of *kādōzed* with *sūdāgīh*, "negligence," is in *FīO*, a text that cannot be dated with any precision, it may be that it reflects an early tradition, especially since such a meaning would fit well in *Herb* 2.41.

Thus, even if *adādīhā sālārīh* in *Herb* 9.8 does not include negligence, the redactional layer did include the possibility. Indeed, it may have been the very absence of a general term for negligence that prompted Abarg to coin the phrase *adādīhā sālārīh* as representing the concept. We shall see below that before the Hebrew term *peshī'ah* was created to designate "negligence" one coinage that appears is *shogeg qarov le-mezid*, "unintentional close to intentional" – an awkward phrase denoting criminal carelessness. The use of *kādōzed* for damage due to negligence would then date the time of the re-

⁷² See Macuch, "On the Treatment of Animals in Zoroastrian Law" (see n. 40), 167–90; the passage appears on 180.

⁷³ *Ibid.*, 181–82.

Daube traces the appearance of the concept to b.Baba Qamma 107b and b.Baba Mezia 6a. The first appears in the name of R. Nahman, and the second in the name of R. Sheshet, both third-generation amoraim, both active in the first half of the fourth century. As noted above, I would add to these cases the hypotheticals proposed by another third-generation authority, Rabbah, in m.Baba Qamma 26b-27a, centered around the parameters of unintentional damage or injury, to these sources on negligence.⁷⁹ Moreover, Aharon Shemesh has recently suggested that Rabbah is responsible for innovating the Talmudic concept of *shogeg qarov le-mezid*, that is, a tort that is "unintentional close to intentional," or, as we might say, "gross negligence."⁸⁰ Thus, three early fourth century authorities began to examine the possibility of negligence as contributing to liability within the context of Babylonian rabbinic thought. This is not to say that a general theory of negligence appeared then, or even within the Bavli as a whole. Indeed, the countervailing principle, "a man is always considered as forewarned (*adam mu'ad le-olam*) (mB.Q. 2:6) seems to have continued in force, and has recently been proposed as the basis of a system of strict liability for modern Jewish law.⁸¹

In summing up the situation as far as post-classical Roman law is concerned, Eltjo Jan Hallebeek writes:

The Roman law of obligations, as found in the *Corpus iuris* and interpreted and taught during the Middle Ages, certainly displays elements comparable to negligence as a ground of tortious liability in later Anglo-American law. However, as will be shown below, making a selection from these elements in view of such a comparison, is not quite simple. The linguistic equivalent of the word negligence in Latin is *negligentia* and in the *Corpus iuris*, the legislation of Justinian (482-565), this notion of *negligentia* sometimes occurs in a sense quite similar to the common law meaning of negligence. It may be used in the sense of 'carelessness' both in contractual and non-contractual contexts. The depository, for example, is only liable for *culpa* in the sense of *desidia*, neglect, and *negligentia*, carelessness (Inst. 3.14.3). The lessee of a building burnt down is liable for having been *negligens* in selecting a slave to watch over the burning fire or for this slave having performed his duty *negligenter* (D. 9.2.27.9). Moreover, the one burning weeds on a windy day is liable for his *imperitia* or *negligentia* in case the fire spreads and causes damage to adjacent fields (D. 9.2.30.3). Thus, Justinianic law can be said to contain *negligentia* as a technical term in embryo, although it certainly is not the notion most frequently used in the *Corpus iuris* to refer to liability for careless conduct. It is only in later scholarship that some authors appear to adopt *negligentia* as a central notion of the law

⁷⁹ My dear and lamented friend, Irwin H. Haut, in "Some Aspects of Absolute Liability Under Jewish Law and, Particularly, Under View of Maimonides," *Dinei Israel* XV (1989-1990): 7-61, dealt at length with this issue within its rabbinic context. Haut, however, saw Rabbah as holding to strict liability; my contention is that his consideration of these cases opened the way for their *reconsideration*. See next note.

⁸⁰ Aharon Shemesh, "'Shogeg Qarov le-Mezid': le-Verur Yetziraot shel ha-Musag be-Torat ha-Amora'im," 399-428.

⁸¹ See Haut, "Some Aspects of Absolute Liability," especially 10-34.

systems – the rabbinic and the Roman, as well as later systems such as that of the common law, it would seem that we should well expect such a development to have taken place. As we have seen from the definition in *FtO*, a term for “negligence” does appear in Middle Persian: *sūdagīh*, which MacKenzie renders “negligent, indolent,”⁷⁴ but it does not seem to appear in legal texts.

Before continuing on to the question of negligence in rabbinic and Roman law, let us look at the viewpoint of a standard modern work on tort law, that of William M. Landes and Richard A. Posner in *The Economic Structure of Tort Law*:

Looking broadly at the history of liability rules and at the difference of liability rules in primitive and modern societies, we find that the secular decline in the costs of information, associated with growing literacy and knowledge of how the physical world operates has been accompanied by a movement away from strict liability and toward negligence as the dominant rule of liability. An examination of ancient legal systems bears out this observation.⁷⁵

David Daube, in his “Negligence in the Early Talmudic Law of Contract,”⁷⁶ notes that the term later used for negligence never appears in tannaitic literature, and that its biblical cognate, *peshaʿ*, which appears in Exod 22:8(9), is never used in that sense in tannaitic literature, though that verse is the foundation upon the amoraic concept was based. He suggests further:

There is an indication that those Rabbis who first introduced the doctrine of negligence were fully conscious of its not immediately following from the mention of *pešaʿ* in Exod 22:8(9). Why if they had believed that *pešaʿ* could naturally mean “negligence,” should they have formed a new word – though, indeed, of the same root – to express the new standard, namely, *pešaʿah* in Hebrew and *pešaʿuthaʿ* in Aramaic? Why should they never have used the Biblical noun *pešaʿ* itself when speaking of negligence as distinct from *dolus*?⁷⁷

And later:

To begin with, at least, it was clearly realized by the Amoras that liability for negligence was not directly laid down in Exod 22:8(9) but could, at most, be said to be faintly hinted at in this verse. It was only in the course of time, as the doctrine of negligence became an integral part of the law of contract and people could no longer imagine a system without it that its precarious beginnings were forgotten.⁷⁸

⁷⁴ David Neil MacKenzie, *A Concise Pahlavi Dictionary* (London: Oxford University Press, 1971) (repr. with correction, 1986), 78.

⁷⁵ William M. Landes and Richard A. Posner, *The Economic Structure of Tort Law* (Cambridge, Mass.: Harvard University Press, 1987), 65.

⁷⁶ Reprinted in Calum M. Carmichael, ed., *Collected Works of David Daube*, vol. 1: *Talmudic Law* (Berkeley: University of California, 1992), 305–32.

⁷⁷ *Ibid.*, 316.

⁷⁸ *Ibid.*, 317.

It seems particularly appropriate to quote from his introduction to his collected studies: "It is to be hoped that when the new edition and translation of the Sassanian Code of Law by Russian scholars appears, that Talmudic scholars will be enabled and intrigued to study it for parallels between the Persian law and the Talmud."⁸⁵ I hope that this study will have illustrated these prescient words.

⁸⁵ *Ibid.*, xci-xvii.

of obligations and use it to describe all kinds of liability according to both canon law and civil law.⁸²

Hallebeek goes on to note that there were also:

... specific forms of liability in Roman law comparable to the strict liability known in contemporary law, i.e., where the defendant's conduct need not be culpable at all. Secondly, Justinianic law had no general remedy for harm unintentionally caused, such as our modern actions for non-performance and tort. Instead there were quite a number of different actions, each applying only to a specific kind of situation.

If Abarg considered *adādīhā sālārīh* within this context, so that even when there was an injury to the child, but “unlawful guardianship” could not be proved, then, as Hallebeek puts it, “the defendant’s conduct need not be culpable at all.” His statement thus fits into this scheme of development, and, as noted above, Alberto Cantera would date him to the second half of the fifth century, though perhaps a bit earlier,⁸³ while Justinian’s Code was completed in 529. In other words, neither Roman nor rabbinic law had as yet developed a comprehensive doctrine of negligence in Abarg’s lifetime. However, it is clear that some of the elements were already in place in the former two.

Thus, whether or not Abarg included unintentional harm or negligence in his concept of “unlawful guardianship,” it is important to note that the comparative method provides us with a framework in which to place the development of various legal concepts in the various law-collections of Late Antiquity, even when we lack all the data we would prefer to have. And this is so even when no direct contact between them can be demonstrated; legal systems tend to develop in certain ways when faced with similar conditions. The great student of Roman and rabbinic law, Boaz Cohen, seems to have changed his mind, perhaps several times, on the question of whether the two systems – the Roman and the rabbinic – were ever in contact; this uncertainty does not diminish the importance of his studies.⁸⁴ The same may be said of studies that encompass Roman, rabbinic and Sasanian law.

⁸² Eltjo Jan Hallebeek, “Negligence in Medieval Roman Law,” in *Negligence: The Comparative Legal History of the Law of Torts*, ed. Eltjo J. H. Schrage, Comparative Studies in Continental and Anglo-American Legal History, vol. 22 (Berlin: Duncker & Humblot, 2001), 73–100; the selection is taken from 73–74. For a detailed investigation of the development of the concept of negligence in Roman law, see Sandro Schipani, *Responsabilità “ex Lege Aquilia”: Criteri di imputazione e problema della “culpa,”* Memorie dell’Istituto Giuridico, ser. 2, memoria 14 (Turin: G. Giappichelli, 1969), esp. 437–38, which covers the period roughly contemporaneous with ours. My sincere thanks goes to Prof. Charles Donohue of Harvard Law School for this reference, and for discussing the issue with me.

⁸³ See Cantera, 220.

⁸⁴ See Boaz Cohen, *Jewish and Roman Law: A Comparative Study*, 2 vols. (New York: The Jewish Theological Seminary of America, 1966).

fact that much of the relevant scholarship appears only in Hebrew.³ It is, of course, obvious that such a situation is to the detriment of all,⁴ but the gap

³ Already Nöldeke recognised the value of the rabbinic sources, as can be seen in the notes to his translation of Tabari. Notwithstanding the efforts of others (e.g., Salomon Funk, "Beiträge zur Geschichte Persiens zur Zeit der Sasaniden," in *Festschrift Adolf Schwarz*, eds. Victor Aptowitzer and Samuel Krauss [Berlin & Wien: R. Löwit Verlag, 1917], 425–36), it is primarily in the work of two scholars that a more systematic approach is attempted, revealing the value of the BT as a primary source for the study of the Sasanian empire: Krauss, *Paras ve-Romi ba-Talmud u-va-Midrashim* [= Persia and Rome in the Talmud and in the Midrashic Literature] (Jerusalem: Mosad HaRav Kook, 1948), published posthumously, progresses through topics such as "kingdom," "grandees and functionaries," "army and warfare," "customs and taxes in Persia," presenting the talmudic sources. This composition was, however, unfinished when published, and is replete with errors and lacks indices. Of a different nature are the numerous contributions by Bernhard (Dov) Geiger to the *Additamenta ad librum Aruch Completum* (Wien: Publications of the Alexander Kohut Memorial Foundation, 1937). Although essentially lexicographical, in his analysis of Sasanian terms we encounter a learned combination of Iranology and Rabbinics seldom found elsewhere. He also published a number of lexicographical studies in German, e.g., Geiger, "Zu den iranischen Lehnwörtern im Aramaeischen," *WZKM* 37 (1930): 195–203; *idem*, "Mittelpersische Wörter und Sachen," *WZKM* 42 (1935): 114–128; *idem*, "Mittelpersische Wörter und Sachen II," *WZKM* 44 (1937): 52–54; *idem*, "Aus Mittelpersischen Materialien," *Archiv Orientalní* 10 (1938): 210–14. See also Ezra Spicehandler, "דיני גויסות" and "בי דואר" Notes on Gentile Courts in Talmudic Babylonia," *HUCA* 26 (1955): 339.

⁴ Lack of familiarity with the Sasanian sources has led to erroneous conclusions. For example, the *hazārbed* has been identified by some Jewish historians with the Talmudic term גזירפטי, the lowly punitive officers, affiliated to the judicial system (b. Shabbat 139a, b. Sanhedrin 98a, and b. Ta'anit 20a). See Funk, "Beiträge," 434; Krauss, *Paras ve-Romi*, 146–47; Spicehandler, "The Local Community in Talmudic Babylonia: Its Institutions, Leaders and Ministrants" (Ph.D. diss., Hebrew Union College, 1952), 26, but corrected in *idem*, "Notes on Gentile Courts," 354, n. 92; Jacob Neusner, *A History of the Jews in Babylonia*, vol. II (Leiden: E. J. Brill, 1966), 54, n. 1; *idem*, Review of Émile Benveniste, *Titres et noms propres en Iranien ancien*, Travaux de l'Institut d'Études Iraniennes de l'Université de la Sorbonne Nouvelle, I (Paris: C. Klincksieck, 1966), in *JAOS* 88, 2 (1968): 362. It appears, however, in a most privileged position in third century royal monumental inscriptions, where it is clearly confined to members of the royal dynasty. See the recent survey by M. Rahim Shayegan, "Hazārbed," in *EI* 12 (2003): 93–95, for further literature; see also the detailed and important study by Geiger in *Additamenta*, 118–19. The contemporary BT, on the other hand, explicitly lists the גזירפטי (n.b. always in the plural!) among the lower ranks, to which Jews are not even appointed, and this precisely to epitomize their low status, see b. Ta'anit 20a.

A similar problem exists with the lack of acquaintance with Talmudic sources. The Talmudic references to *ōstāndārs*, provincial chiefs, in Kashkar (b. Giṭin 80b) and Mesene (b. Qiddushin 72b) are already noted by Theodor Nöldeke, *Geschichte der Perser und Araber zur Zeit der Sasaniden* (Leiden: E. J. Brill, 1879), 448; and Georg Hoffmann, *Auszüge aus syrischen Akten persischer Märtyrer* (Leipzig: Deutsche Morgenländische Gesellschaft, 1880), 93, n. 830. Christensen, *L'Iran sous les Sassanides*, 139, omits explicit reference to the BT. Rika Gyselen, *La géographie administrative de l'empire sassanide: Les témoignages sigillographiques*, Res Orientales I (Bures-sur-Yvette: GECCMO, 1989), 38, n. 60, cites Christensen; *idem*, *Nouveaux matériaux pour la géographie historique de l'empire sassanide: Sceaux administratifs de la Collection Ahmad Saeedi*, Studia Iranica – Cahier 24

Persia in Light of the Babylonian Talmud

Echoes of Contemporary Society and Politics:

*hargbed and bidaxš**

GEOFFREY HERMAN

Introduction

One of the characteristics of the study of the Sasanian empire, and in particular its administrative hierarchy, is the diversity of sources that must be summoned for the task. In the absence of a detailed coherent narrative, scholars turn to literary sources in numerous ancient languages written before, during, and after the Sasanian era, from both within and beyond the borders of the empire, and decipher contemporary inscriptions on rocks, gems, bullae, ostraca, and papyri all in order to patch together the sparse data.¹ One of these contemporary literary sources is the Babylonian Talmud.² The BT's potential for the study of the Sasanian history has not, however, been fully realized, both due to the compartmentalization of scholarship, and due to the

* This article is a revised version of the lecture delivered at the conference, *Talmud in its Iranian Context*, UCLA, Los Angeles, May 6–7, 2007, but includes additional material, particularly the section on the *bidaxš*. My deep thanks to the participants and the audience at the conference. Carol Bakhos and M. Rahim Shayegan, of UCLA, are to be especially congratulated for the initiative and organization of the conference: אפרין גמטייה! (b.Bava Metzia 119a). I would like to express my appreciation to Aaron Amit of Bar-Ilan University for his helpful comments on this paper and to M. Rahim Shayegan for providing me with additional biographical references.

¹ Useful surveys on the administrative hierarchy include Arthur Christensen, *L'Iran sous les Sassanides* (Copenhagen: Ejnar Munksgaard, 1944), 92–135; 513–21; Vladimir G. Lukonin, "Political, Social and Administrative Institutions: Taxes and Trade," in *Cambridge History of Iran*, vol. 3, 1: *The Seleucid, Parthian and Sasanian Periods*, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 681–746; Josef Wieschöfer, *Ancient Persia from 550 BC to AD 650*, trans. Azizeh Azodi (London: New York: I. B. Tauris, 1996), 171–91; Klaus Schippmann, *Grundzüge der Geschichte des sasanidischen Reiches* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990), 80–86. On the primary sources, see Carlo Cereti, "Primary Sources for the History of Inner and Outer Iran in the Sasanian Period (Third-Seventh Centuries)," *AEMA* 9 (1997): 17–70.

² For a recent list of Iranian loanwords, mostly from the BT, including many from the realm of state administration, see Shaul Shaked, "Iranian Loanwords in Middle Aramaic," in *Elr* 2 (1986): 259–61.

Within this broader picture, with a constantly growing corpus of epigraphic evidence one might be tempted to demote the BT to a position of secondary importance. It should not, however, be forgotten that in the realm of local administration the BT provides a unique and indispensable contemporary perspective regarding the administrative mechanism.⁸ In view of the general paucity and fragmentary nature of the evidence on the Sasanian administrative bureaucracy, in particular for the third and fifth centuries, the BT should be given due consideration. But its worth is not so much about quantity but of its unique quality. As a product of integrated Sasanian subjects, indigenous and immersed in the culture of the region,⁹ as well as reflecting their local experience, the BT has few parallels among other Sasanian sources. Indeed, it has the potential to convey to us some of the flavour of life in the Sasanian empire that few other sources offer. This rare perspective comes to play, no less, in how it relates to the Sasanian offices. A case in point is the *āxwarrbed*, or “stable-master” which I have addressed in a previous study.¹⁰ The title *āxwarrbed* appears in the list of officials on the royal inscription of Šābuhr I at the *Ka‘abe-ye Zardošt*, in the mid-third century. It is also attested in other literary sources.¹¹ While the BT appearances have entered the philological discussions of the Iranologists, those concerned more generally with Sasanian society would do well to probe deeper into the BT, for it is, in fact, only from here that we can truly grasp the pro-

national Conference of the Leiden Institute for the Study of Religions (LISOR) Held at Leiden, 27–28 April 2000, eds. Theo Leonardus Hetteema, Arie van der Kooij, and Joannes A. M. Snoek, *Studies in Theology and Religion*, 11 (Assen: Royal Van Gorcum, 2004) 51.

⁸ For example, David M. Goodblatt, “The Poll Tax in Sasanian Babylonia: The Talmudic Evidence,” *JESHO* 22 (1979): 233–95.

⁹ See the many new studies by Yaakov Elman, for example: “Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity,” *Neti‘ot le-David: Jubilee Volume for David Weiss Halivni*, eds. Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot, 2004), 31–56; *idem*, “Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Traditions,” in *Cambridge Companion to Rabbinic Literature*, eds. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 165–97. I, myself, have demonstrated elsewhere how a Jewish composition, stemming from the region of Nehardea, written in the first century C.E., preserves a Persian epic motif that is first attested in native Iranian sources about 250 years later, see “Iranian Epic Motifs in Josephus’ Antiquities (XVIII, 314–370),” *JJS* 57, 2 (Autumn 2006): 245–68.

¹⁰ *Idem*, “Ahasuerus, the Former Stable-Master of Belshazzar and the Wicked Alexander of Macedon: Two Parallels between the Babylonian Talmud and Persian Sources,” *AJS Review* 29, 2 (2005): 283–97. The article has been summarized by Eliezer Segal, “Steadfastness and Stable Hands,” *From the Sources*, www.ucalgary.ca. First publication: *The Jewish Free Press*, Calgary, March 2, 2006, 11.

¹¹ Eduard Khurshudian, *Die parthischen und sasanidischen Verwaltungsinstitutionen* (Jerewan: Verlag des kaukasischen Zentrums für iranische Forschungen, 1998), 192–94.

which exists between the Iranologists and the Talmudists appears, unfortunately, to be widening.

Other developments within the field of Sasanian history, not directly related to the BT, also seem to have adversely affected the status of the BT as a useful source for Sasanian history. Earlier studies on the Sasanian administrative hierarchy have been heavily weighted in favour of the post-Sasanian Arabic literary sources.⁵ However, in recent decades there has been a tendency to construct our picture of the Sasanian administrative hierarchy on the basis of contemporary sources. There has even been a proposal to divide the available sources, *a priori*, according to a hierarchy of usefulness, based on various considerations, generally privileging the Iranian sources and contemporary epigraphic evidence over others.⁶ The proliferation of epigraphic sources has certainly encouraged such an approach and yielded valuable results. Some scholars have contrasted “official” Sasanian sources to “foreign” sources, and exhibited a preference for the former. Others have nuanced the advantages of this approach by observing – and establishing – the tendentiousness of many of our contemporary Iranian epigraphic sources, such as royal inscriptions, and the problems attending their use for an accurate reconstruction of the administrative hierarchy.⁷

(Paris: Association pour l'Avancement des Études iraniennes, 2002), 118; *eadem*, *Seals and Sealings in the A. Saeedi Collection*, *Acta Iranica* 44 (Leiden: E. Peeters, 2007) 38; Michael Morony, “Continuity and Change in the Administrative Geography of Late Sasanian and Early Islamic ‘Irāq,” *Iran* 20 (1982): 30, 34; also *idem*, *Iraq After the Muslim Conquest* (Princeton: Princeton University Press, 1984), 131, 155 (without the reference to the *ōstāndār* of Mesene). The context of these sources has usually been ignored. The *ōstāndār* of Kashkar is said to be explicitly mentioned in a Jewish divorce document that is discussed by rabbis who flourished in the early *fourth* century. A valid divorce document must be dated according to the current kingdom and the issue raised is whether the *ōstāndār* can stand in for the kingdom. The BT’s affirmative answer is in perfect accordance with the accepted understanding of an *ōstān* as crown territory, and the *ōstāndār* as directly accountable to the king. The *date* of this Talmudic source is of particular significance as evidence for the creation of Kashkar as a separate province. The Talmudic *ōstāndār* of Mesene however is another story altogether. He is the son-in-law of Nebuchadnezzar (!) in what is little more than a midrashic exposition of a biblical text, and hence need no longer serve as historical evidence for such a title in Sasanian Mesene.

⁵ Especially Christensen, *L'Iran sous les Sassanides*.

⁶ Philippe Gignoux, “Problèmes de distinction et de priorité des sources,” in *Prolegomena to the Sources on the History of pre-Islamic Central Asia*, ed. János Harmatta (Budapest: Akademiai Kiado, 1979), 137–41; *idem*, “L’organisation administrative sassanide: Le cas du *marzbān*,” *JSAI* 4 (1984): 1–29; *idem*, “Pour une esquisse des fonctions religieuses sous les Sassanides,” *JSAI* 7 (1986): 93–108.

⁷ See, for example, M. Rahim Shayegan, “Aspects of Early Sasanian History and Historiography” (Ph.D. diss., Harvard University, 1999), on the historiographical practices of the Sasanians of employing narrative, thematic, and phaseological patterns characteristic of oral (epic) literature in their compositions of historical accounts. See also Albert De Jong, “Zoroastrian Religious Polemics and Their Contexts: Interconfessional Relations in the Sasanian Empire,” in *Religious Polemics in Context: Papers Presented to the Second Inter-*

1. The *hargbed* (אַרְגֶּבֶד)

A Persian title appears in the bilingual Middle-Persian/Parthian inscription of Paikuli, a monument set up between 293–296 C.E.¹³ in the Middle-Persian form 𐭯𐭥𐭭𐭮𐭲𐭭, and is transliterated *hlgwpt/hrgwpt* (Parthian: *hrkpty*), and generally transcribed *harghed*. It is also attested in Greek sources as ἀρκαπάτης/ἀργαπάτης and in contemporary Palmyrene sources as ארְגֶּבֶד. It is known from both the Parthian and Sasanian eras. Early scholarly uncertainty regarding the etymology of the title has been replaced by near consensus, largely on account of the unambiguous orthography on the Paikuli inscription,¹⁴ and the definition for the title accepted by most scholars lately and which seems reasonable is “chief of taxes.”¹⁵ It also appears in rabbinic

¹³ The reference is to a *hargbed* by the name of Šābuhr. The inscription is dated with certainty to these years, on the one hand, due to the mention of the Roman caesar Diocletian as one of the well-wishers of Narseh, and on the other hand, because Narseh launched a war against Rome a short while thereafter.

¹⁴ The definition “head of a castle” has been rejected for a number of reasons, and in particular on account of the precise orthography provided by the Paikuli inscription. For the discussion of the etymology of the word and its orthography in the various sources, see Paul de Lagarde, *Semitica* (Göttingen: Dieterich, 1878), 43–44; Nöldeke, *Geschichte der Perser*, 5, n. 1; *idem*, “Beiträge zur Kenntniss der aramäischen Dialecte,” *ZDMG* 24 (1870): 107–8; Zsigmond Telegdi, “Essai sur la phonétique des emprunts iraniens en Araméen talmudique,” *JA* 226 (1935): 228–29; Christensen, *L'Iran sous les Sassanides*, 107; Ernst Herzfeld, *Paikuli: Monument and Inscription of the Early History of the Sasanian Empire*, 2 vols. (Berlin: D. Reimer, 1924), 192–94; Geiger, *Additamenta*, 27–29; Marie-Louise Chaumont, “Recherches sur les institutions de l'Iran ancien et de l'Arménie,” *JA* 250 (1962): 11–22; Dieter Harnack, “Parthische Titeln vornehmlich in den Inschriften aus Hatra,” in *Geschichte Mittelasiens im Altertum*, eds. Franz Altheim and Ruth Stiehl (Berlin: de Gruyter, 1970), 492–49; Oswald Szemerényi, “Iranica V,” *Acta* 5 (1975): 362–75; Ahmad Taffazoli, “An Unrecognized Sasanian Title,” *BAI* 4 (1990): 301–05. Chaumont (“Argbed,” *Elr* 2 [1987]: 400) continues to favour “fortress commander.”

¹⁵ Herzfeld, *Zoroaster and his World*, vol. 1 (Princeton: Princeton University Press, 1947), 128; Walter B. Henning, “Arabisch *ḥarāg*,” *Orientalia* 4 (1935): 291–93; *idem*, *Selected Papers*, vol. I, *Acta Iranica* 14 – Hommages et Opera Minora V (Téhéran and Liège: Bibliothèque Pahlavi, 1977), 355–57, and 573–99; *idem*, “Argi and the Tokharians,” *BSOAS* 9 (1938): 565–66; *idem*, “Mitteliranisch,” in *Handbuch der Orientalistik*, vol. 1, 4. Bd., Abschn. 1, ed. Bertold Spuler (Leiden; Köln: E. J. Brill, 1958), 41, n. 4; Ph. Gignoux, *Glossaire des inscriptions pehlevies et parthes*, *Corpus Inscriptionum Iranicarum* – Supplementary Series 1 (London: Lund Humphries, 1972), 23; Szemerényi, “Iranica V”; Rüdiger Schmitt, “Artabides/Argabides/Artakides/Arsakides bei Theophylaktos Simokattes,” in *Sprachwissenschaft in Innsbruck: Arbeiten von Mitgliedern und Freunden des Instituts für Sprachwissenschaft der Universität Innsbruck aus Anlaß des fünfzigjährigen Bestehens des Instituts im Jahre 1978 und zum Gedenken an die 25. Wiederkehr des Todes-tages von Hermann Ammann am 12. September 1981*, eds. Wolfgang Meid et al., *Innsbrucker Beiträge zur Kulturwissenschaft* 50 (Innsbruck: AMOE, 1982), 209–12; Philip Huyse, *Die dreisprachige Inschrift Šabuhrs I an der Ka'ba-i Zardušt* (ŠKZ), 2 vols, *Corpus Inscriptionum Iranicarum*, part III, vol. 1, texts 1 (London: School of Oriental and African Studies, 1999); *idem*, “Sprachkontakte und Entlehnungen zwischen dem Griechisch/Latei-

verbal lowliness of the *āxwarrbed* in the contemporary imagination, and gain a taste of its mood and wit.

Therefore, the BT can hardly be ignored by serious scholars of Sasanian history and society, and yet the utilization of the BT as an historical source has many problems. In many ways, however, we are in a better position today to utilize this source than in the past. The application of a source critical methodology to the BT as is appropriate for the genre, has contributed towards ensuring that the historical data drawn from the BT is more reliable.¹² Our ability to evaluate the Talmudic information on Sasanian administrative titles has also improved. These titles are essentially “foreign” words that are by their nature prone to defacement in the course of their transmission by generations of scribes for whom no ready means was available to clarify their correct form. However greater access to the manuscripts and geniza fragments of the Talmud and early textual witnesses, as well as tools for evaluating the textual variants, help increase our precision in the research of difficult terms.

In this paper, I shall discuss two Sasanian titles, the *hargbed* (אלקפסא) and the *bidaxš*. In the first case, I wish to show that this key Sasanian title is reflected in the BT in striking accordance with the contemporary epigraphic Iranian evidence. To this end the pertinent rabbinic sources are submitted to a source critical analysis. In the second case, I shall assess the proposal of Nöldeke and a number of subsequent Iranologists that the *bidaxš* is attested in the BT. For that purpose I shall focus on evaluating the manuscript evidence. While with the *hargbed* the identification of the Sasanian title is not in question, for the *bidaxš* it is particularly the context wherein the title appears that can contribute to its identification. In both cases, however, it is precisely the portrayal of these titles, their *context* that is unique and reveals the invaluable role of the BT in offering us an alternative perspective, a popular and unofficial vantage-point from which to observe the Sasanian administrative hierarchy.

¹² Here is an example relevant to the field of the Sasanian administrative hierarchy. Earlier Jewish historians have described the existence of the Greek civic office, *agoranomos* in Sasanian Babylonia, supposedly appointed by the exilarch, basing themselves on sources found in both the PT and BT. Sasanian historians have generally accepted this information. However, my source critical study has revealed that the Talmudic evidence upon which this conclusion has been based actually originates in Palestinian sources that do not reflect Babylonian conditions. For the details, see my “The Babylonian Exilarchate in the Sasanian Period” (Ph.D. diss., Hebrew University, 2005) (Hebrew with English abstract), 267–76 – an English translation is in preparation. See, also the recent discussion on the Talmudic traditions of Persian persecution by Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford University Press, 2006), 121–47.

hargbed (ἀρχαπέτης Βαρσοβάρσος), so it seems, is also mentioned by the Greek author, Petrus Patricius.²⁰ He describes the reception of the Roman envoy at the court of Narseh in 298–299 C.E. Besides these sources the *hargbed* is also mentioned in the Christian martyrology literature of the Persian empire, in historical chronicles,²¹ and by Ṭabari.²²

We see through these sources a noticeable evolution in the status of this title. It was already used in the Parthian Empire,²³ however, then it is depicted as a relatively low-ranking office. For instance, at Dura, it is a low-ranking revenue official who was subordinate to the Parthian governor, Manesos. At Palmyra it is the title of a civil fiscal official which, despite the importance of Palmyran trade at the time was still local.²⁴ It remained insufficiently important for most of the third century. It is missing from Šābuhr I's monumental inscription in *Ka'be-ye Zardošt*. In this inscription, dated to around 260 C.E., members of the respective courts of Pābag, Ardašīr I, and of Šābuhr I are listed in order of importance. This entails a long list in an inscription which is fairly complete. The absence of the *hargbed* in these inscriptions is therefore noteworthy. On the other hand, a few decades later in the beginning of the reign of Narseh the sources reveal that the *hargbed* was now an office of the highest order within the Persian imperial hierarchy. It is not our concern here to explain how or why this happened,²⁵ but only to observe that the sources reveal a clear line of development. Thus, the Paikuli inscription testifies that close to, or at the beginning of the reign of Narseh, the office of *hargbed* experienced "une promotion récente, aussi éclatante qu'exceptionnelle."²⁶

²⁰ For the text of Patrus Patricius, see Immanuel Bekker and B. G. Niebuhr, eds, *Dexippi, Eunapii, Petri Patricii, Prosci, Malchi, Menandri historium quae supersunt*, Corpus Scriptorum Historiae Byzantinae, 14 (Bonn: E. Weber, 1829), 135. See also Chaumont, "Recherches," 32, 21. The minor correction of χ for κ is necessary. For an explanation on the creation of this form, see Szemerényi, 367, n. 207. It has also been suggested that this is the same as a certain hyparch called Sapoires referred to in a recently published Manichean Coptic text; see Niels Arne Pedersen, "A Manichaean Historical Text," *ZPE* 119 (1997): 200.

²¹ Theophylactus, iii, 18: ἀρχαβίδης.

²² For Ṭabari's text, see Michael Jan de Goeje, J. Barth, Theodor Nöldeke, et al., *Annales quos scripsit Abu Džafar Mohammed ibn Džarir at-Tabari*, Prima Series, vol. II (Leiden: E. J. Brill, 1964), 815; for the German translation, see Nöldeke, *Geschichte der Perser*, 5.

²³ For the Parthian era, see Harnack, "Parthische Titel vornehmlich in den Inschriften aus Hatra," 540–44; Gnoli, 95–113; see also Shifra H. Schnoll, "Parthian Mesopotamia: Greek Cities and Jewish Settlements" (Ph.D. diss., Jerusalem, 1975) (Hebrew), 104–5, 307–10.

²⁴ See Gnoli, *The Interplay of Roman and Iranian Titles*.

²⁵ See Szemerényi, 374.

²⁶ Chaumont, "Recherches," 14; and below, n. 64. Also see Szemerényi, 368. Rostovtzeff (Rostovtzeff and Wells, "A Parchment Contract," 55) had already noted the significant difference in status between of the Parthian and Sasanian eras.

sources as אלקפסא/ארקפסא.¹⁶ These rabbinic sources have been cited and discussed by both Iranologists and historians of Babylonian Jewry but, as I aim to demonstrate, they have generally not been read in their correct historical context and thus the importance of the rabbinic sources on the *hargbed* has not been fully appreciated. In what follows, I shall study these rabbinic sources in light of their non-rabbinic counterparts. It is therefore necessary to begin by briefly summarizing the data from the non-rabbinic sources.

2. The *hargbed* in non-Jewish Sources

The epigraphic and literary documentation for the *hargbed* is varied. The title is first attested in a Greek document from 121 C.E. from Parthian Dura. A man named Phraates (Φραάτης) who was a eunuch and bureaucrat of the Parthian governor bore the title *arkapates* (ἀρκαπάτης)¹⁷ Three inscriptions from Palmyra from the 260s mention this office where it is appended to the official Roman title, *procurator ducenarius*.¹⁸ In the Paikuli inscription set up by Narseh (293–303 C.E.), a *hargbed* named Šābuhr heads the list of notables and titled officers.¹⁹ Its prominence there is striking. The same

nischen und dem Mitteliranischen," in *Grenzüberschreitungen: Formen des Kontakts zwischen Orient und Okzident im Altertum*, eds. Monika Schuol et al., *Oriens et Occidens* 3 (Stuttgart: Steiner Verlag, 2002), 209–10; Khurshudian, *Verwaltungsinstitutionen*; A. Taffazoli, *Sasanian Society: I. Warriors; II. Scribes; III. Dehqans*, Ehsan Yarshater Distinguished Lectures in Iranian Studies, No. 1 (New York: Bibliotheca Persica Press, 2000), 11; Shayegan, "Hazārbēd," 93–95; Tommaso Gnoli, *The Interplay of Roman and Iranian Titles in the Roman East* (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2007), 96–101; Martin Schwartz, "A Note on the Term *xarāj*," *BAI* 17 (2003 [2007]): 26–27; *idem*, "More on *harkā* and **harkapati*," *BAI* 18 (2004 [2008]): 143–45.

¹⁶ In the BT attestations we find: אלקפסא (Vilna ed.; Pesaro ed. (1515); MS Florence; MS Vatican 121; MS Vatican 140; MS Vatican 156; MS Munich 95 – Shavu'ot); ארקפסא (MS Munich 95 – Zebahim); ארקפתא (MS Vatican 118); אלקפתא (Venice ed. (1522)); אוקפתא (MS Paris AIU H147A). The Epistle of Rav Sherira Gaon: ארקפתא. In the PT, see below, notes 33, 56. A wide variety of (generally corrupt) spellings of the word can also be found in the medieval commentaries, many of which are cited in Baer Ratner, *Ahawah Zion We-Jeruscholaim – Traktat Berachot* (Wilna: Romm, 1901), 54–55.

¹⁷ See Michael I. Rostovtzeff and C. Bradford Wells, "A Parchment Contract of Loan from Dura Europus," *YCS* 2 (1931): 55–56.

¹⁸ There written ἀργαπέτης and in Palmyrean, ארגבטא. For the early publication and discussion on the Palmyrean inscriptions, see Moritz Abraham Levy and Eduard Friedrick Beer, "Die palmyrischen Inschriften," *ZDMG* 18 (1864): 89–90; Jean Baptiste Chabot, *Choix d'inscriptions de Palmyre* (Paris: Imprimerie Nationale – Paul Geuthner, 1922). For recent discussions, see Gnoli, *The Interplay of Roman and Iranian Titles*, and detailed references there to scholarship.

¹⁹ Herzfeld, *Paikuli*, 96–97, l. 7; 102–103, l. 20; 112–113, and l. 38; Prods Oktor Skjærvø, *The Sassanian Inscription of Paikuli*, vol. 3, 1 (Wiesbaden: Reichert Verlag, 1983), 33–34, 37, 42, 45, 56, 63.

Rabbi Hanina in the name of Rav Aḥa bar Aḥava: the king and the general³⁴ and the *alqabaṭa* and the exilarch. Rabbi Le'azar the son of Rabbi Yose said before Rabbi Yose: [but] the Mishna states that they are not one above the other!

One may assume that the order presented here is intended to mirror the order in the Mishna. Nega'im noted above, whereby the sign is followed immediately by its derivative. Thus, the general is the derivative of the king and the exilarch is the derivative of the *alqabaṭa*. The exegetical point being made requires us then to understand that the *alqabaṭa* was in the second position in the hierarchy – immediately following the king.³⁵ As such, the general is portrayed as inferior to the *alqabaṭa*. Rav Aḥa bar Aḥava's parable is challenged by the fourth century C.E. Palestinian rabbi, Rabbi Le'azar, the son of Rabbi Yose. It is possible that he was unfamiliar with the actual hierarchical distinctions in Babylonia, or perhaps appreciating the importance of the Aramaic title, רב חילא (general) but not the Persian title *alqabaṭa*, he assumed that they are listed in descending order of importance, and so he asserted that this list inaccurately reflects the relationship between the shades in the Mishna.

The source in the PT can be understood in light of the parallel from b. Shevu'ot 6b:³⁶

אמר רבי חנינא משל דרבנן למה הדבר דומה...רב אדא בר אבא³⁷ אמר: כגון מלכא ואלקפטא ורופילא וריש גלותא. האי זה למעלה מזה הוא! אלא כגון מלכא ורופילא ואלקפטא וריש גלותא.

Rabbi Hanina said: A rabbinic parable: To what shall we compare this ... Rav Ada bar Ahava said: Such as the king, and the *alqapaṭa*, and the general,³⁸ and the ex-

Dvir, 1976), 25, n. 36; Ze'ev W. Rabinovitz, *Sha'are Torath Eretz Israel* (Jerusalem: Weiss Press, 1940) (Hebrew), 537.

³¹ מלך Geniza fragment: מלכא.

³² חיליל Geniza fragment: חילילא.

³³ Geniza fragment: ארקוטא.

³⁴ This reading, following the Geniza fragment and the BT parallels, is preferable to "his general."

³⁵ It is clear that the *alqabaṭa* would not have been considered equal to the king. On the BT version see below.

³⁶ According to the Vilna edition.

³⁷ אבא thus only in the printed edition, but MS Vatican 156; MS Vatican Ebr 140; MS Firenze II, 1. 8–9; and MS Munich 95: אדבה.

³⁸ The Talmud MSS consistently have רופילא, but the Arukh has רפילא. According to Jacob Levy, *Chaldäisches Wörterbuch über die Targumim*, vol. II (Leipzig: Baumgärtner, 1868), 414, it is derived from Latin *rufulus*; see also Krauss, *Griechische und lateinische Lehnwörter im Talmud, Midrasch und Targum*, vol. II (Berlin: S. Calvary, 1899), 578: "Militärtribun," (and see his *Paras ve-Romi ba-Talmud u-va-Midrashim*, 250) and many others. See also *Aruch Completum*, s.v. רפילא, 292; אלקפתא, 106; Beer, *The Babylonian Exilarchate*, 25, n. 38, and there further references; Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat Gan: Israel, Bar-Ilan University Press, 2002), 1067. Krauss's suggestion was already rejected by Friedrich Schulthess, "Aramäisches (II)," ZA 24 (1910): 52, and *ibid.* 25 (1911): 293, who proposed a Greek

3. The *hargbed* in Rabbinic Sources

The *hargbed* is attested only a few times in rabbinic sources: It appears twice in the Palestinian Talmud (henceforth PT), and twice in the BT. These four Talmudic occurrences are, however, in reality two completely independent instances since, as we shall see below, one of the PT sources has evolved from the other, and one of the BT sources is merely a parallel version of the original PT source. It is also noteworthy that even though the term appears in the PT it is not a Palestinian, but essentially a Babylonian tradition. In addition to the Talmudic occurrences we also find the term a few times in the Biblical targums. Let us open by taking a closer look at the Talmudic sources.

In y.Shevu'ot I, ii, (32d) there is a discussion regarding the various symptoms or signs of leprosy mentioned in the Bible for which a sacrifice must be brought in order to become purified. The basis for the discussion is Mishna Nega'im, I, 1 which states that the shades of white, characteristic of leprosy consist of two principle shades, and a further two derivative or secondary shades.²⁷ The Mishna then lists the four shades, describing the colouring of each. It begins with the principle shade with the most intense whiteness, then lists its derivative, next the other principle shade, and finally the derivative of the other. The PT, in discussing this mishna is interested in the relationship between these signs.²⁸ It offers various parables to explain this relationship by reference to the imperial hierarchy. A series of examples, progressing through the amoraic generations are provided that reflect both the Roman and the Persian empires.²⁹ It is the last example, provided by a Babylonian sage, Rav Ada bar Ahava as transmitted by R. Hanina, which is of interest to our discussion:

רבי חנינה בשם רב אחא³⁰ בר אחווי: מלך³¹ ורב חיליה³² וארקבטא³³ וריש גלותא. אמ' ר' לעזר ביר' יוסי קומי ר' יוסי: מתנית' אמר' שאינן זה למעלה מזה.

²⁷ According to y.Shevu'ot I: 1 (32d) and b.Shevu'ot 6a, the scriptural basis for this conclusion, derived from Leviticus 13:2, was understanding the word ספחת, not as "scab," but in the sense of an attachment – for both the "rising" (שאת) and the "bright spot" (בהרת). A different approach appears in Sifra, Nega'im, (Tazri'a), I, 4 [60a].

²⁸ The legal significance of this distinction was apparently the ability of certain adjacent or derivative shades to combine in order to attain the minimum quantity required to be considered a leprous affection.

²⁹ A detailed critical historical study of this important source is a desideratum. Valuable critical analysis of the *sugya* is found in Avram I. Reisner, "On the Origins of the Sugya: Tractate Shevuot of the Babylonian Talmud – Chapter One" (Ph.D. diss., Jewish Theological Seminary, 1996), 206–40.

³⁰ A Geniza fragment preserves the reading: אדא. See Louis Ginzberg, *Yerushalmi Fragments from the Genizah*, vol. I (New York: Jewish Theological Seminary of America, 1909) 265, line 22. This Geniza fragment has the same name that appears in the BT version, thus אדא בר אבהא = אדא בר אחווי. See Beer, *The Babylonian Exilarchate* (Tel Aviv:

Rav, approximately from the late third century,⁴² and the second, a student of Rava, from the mid-fourth century who was a student of Rava.⁴³ However we may only reasonably expect the earlier of the two to be mentioned in the PT,⁴⁴ which was completed at some point in the latter half of the fourth century and hardly mentions any traditions from the mid-fourth century Babylonian rabbis.⁴⁵

This description of the Sasanian hierarchy, and particularly the place of the exilarch therein, has been greatly discussed by scholars. Although early historians such as Graetz, based on this source, assumed that the exilarch was fourth in line in the Sasanian hierarchy, already Jost had expressed his reservations with respect to the elevated position of the exilarch here,⁴⁶ and Nöldeke rejected this assumption altogether.⁴⁷ Some have nevertheless attempted to salvage from this source some aspect of historical accuracy. Funk thought the exilarch was in the fourth rung of the aristocracy,⁴⁸ Beer that the

⁴² *Ibid.*, 193. See b.Qiddushin 72b where he is said to have been born on the same day that Rabbi Judah I died. The scholarly literature on the date of the death of the latter is extensive. See Shmuel Safrai, "The *Nesiut* in the Second and Third Centuries and its Chronological Problems," in *Proceedings of the Sixth World Congress of Jewish Studies*, vol. II (Jerusalem: World Union of Jewish Studies (1975): 51–57; *idem*, *In Times of Temple and Mishnah, Studies in Jewish History*, vol. II (Jerusalem: Magnes Press, 1994), 620–26; Neusner, vol. II, 126, n. 1, where the relevant literature is provided. He is also said to have lived a long life (b. Ta'anit 20b; y. Ta'anit 3,13, 67a).

⁴³ Albeck, *Introduction*, 354. Aaron Hyman, *Toldoth Tannaim Ve-Amoraim*, vol. I (Jerusalem: Kiryah Ne'emana, 1964), 103, opines there was a third Babylonian rabbi with this name but he belongs, at any rate, to a later period.

⁴⁴ In addition, his statement appears in the BT discussion before commentary by Rava – an irregular arrangement if the Rav Ada bar Aḥava was Rava's student. As Reisner, 238, n. 25, notes, it is puzzling that Albeck, *Introduction*, 354 attributes our statement to the latter of the two.

⁴⁵ The latest explicit reference to a Babylonian rabbi, a single reference to Rava – who died in 351 C.E. according to the Epistle of Rav Sherira Gaon (Benjamin Lewin, *Iggeret R. Sherira Gaon* (Haifa: Selbstverlag des Verfassers, 1921), 89) in y.Beša 1, 1, 60a, is cited by R. Yose b. Bun. On the date of the completion of the PT, see Yaakov Sussmann, "Veshuv li-Yerushalmi Nezikin," in *Mehkerei Talmud*, I, eds., *idem* and Eliezer Rosenthal (Jerusalem: Magnes Press, 1990), 132–33, n. 187; Leib Moscovitz, "The Formation and Character of the Jerusalem Talmud," *The Cambridge History of Judaism*, vol. 4, *The Late Roman-Rabbinic Period*, ed. Steven Katz (Cambridge: Cambridge University Press, 2006), 665–67. On the Babylonian material, see *ibid.*, 675.

⁴⁶ Heinrich Graetz, *Geschichte der Juden*, vol. 4 (Leipzig: Leiner, 1908), 252; see also Mordechai D. Yudelewitz, *Jewish Life in the Time of the Talmud: The Book of Nehardea* (Vilna: A. S. Rosenkranz and M. Schriftsetzer, 1905) (repr. Jerusalem: Makor, 1971), 48. Isaak M. Jost, *Geschichte des Judentums und seiner Secten*, II (Leipzig: Dörffling & Franke, 1858), 132, n. 2. See Geo Widengren, "The Status of the Jews in the Sasanian Empire," *IrAnt* 1 (1961): 141; Baron, vol. II, 196, 403, n. 29; Geiger, *Addamenta*, 27, s.v. אלקפחא.

⁴⁷ Nöldeke, *Geschichte der Perser*, 69.

⁴⁸ Funk, *Die Juden in Babylonien 200–500* (Berlin: M. Poppelauer, 1902), I 32–33.

ilarch. But this is one above the other, but rather: the king and the general, and the *alqaba* and the exilarch.

The BT version first proposes a list where the *alqaba* precedes the general. This is considered the wrong order as it reflects, in descending order, their actual order of relative importance. The order is then corrected by switching the *alqaba* and the general around. This new order is the same as the list in the PT.³⁹

The parable in the Palestinian Talmud and its parallel in the BT are ascribed to the rabbi, Ada bar Aḥava – according to the better manuscript readings⁴⁰ and Ada bar Aḥava's parable is transmitted by a fourth century Palestinian rabbi, Rabbi Ḥanina.⁴¹ There are two Babylonian rabbis bearing the name Ada bar Aḥava that are attested in the BT, one, considered a student of

term via Syriac. It is, however, unreasonable to expect terms derived from the Roman military in sources that originate from Babylonia. Furthermore, nothing close to "rufulus" is attested for the Sasanian army. Kohut's alternative suggestion of a Persian derivation was rejected, as usual, by Geiger, *Additamenta*, 28, as untenable. Geiger rejected the possibility of רופילא being a corruption of רב חילא on the grounds that the spelling רופילא is attested elsewhere. It also appears in Bava Metzia 49b; 107b; 'Avoda Zara 33b, 61b, and in the targums. There can, however, be little doubt that this is, indeed, the same as the רב חילא of the PT parallel. Salo Wittmayer Baron, *A Social and Religious History of the Jews*, vol. II (New York: Columbia University Press, 1952), 403, n. 29, takes it for a corruption. It is noteworthy that the historical spelling, רב חיל, does not appear in the BT (including the manuscripts). The form רופילא/רפילא should not, however, be understood so much as a scribal "corruption" of רב חילא, but as a dialectal form of the same reflecting its phonetic spelling. רב חילא is attested as one word already in the Elephantine documents, and is also in Syriac; see Carl Brockelmann, *Lexicon Syriacum* (Halle: Niemeyer, 1928), 706. Furthermore, it is probably the same as Mandaic *rupiail*, a name given to *adunai šbabut* [= אדוני צבאות] in the Drower Collection of Mandaean manuscripts in the Bodleian Library, Oxford, Roll, Pašar Mihla, 816; see Ethel S. Drower and Rudolf Macuch, *A Mandaic Dictionary* (Oxford: Clarendon Press, 1963), 431. On the well-known phenomenon of erosion of the guttural א in Babylonian Jewish Aramaic, see Jacob N. Epstein, *A Grammar of Babylonian Aramaic* (Tel-Aviv: Magnes Press, 1960), 18; and recently, with respect to magic bowls, Matthew Morgenstern, "On some Non-standard Spellings in the Aramaic Magic Bowls and their Linguistic Significance," *JSS* 52, 2 (2007): 251. See *ibid.*, 264. I would like to acknowledge the helpful discussion about the term רופילא with Dr. Matthew Morgenstern of Haifa University.

³⁹ The formulation of the BT's discussion on the list may be explained as follows: the BT may have received a version of the tradition similar to that in the PT, whereby the list is (unjustifiably) challenged as presented in order of importance; see above. The challenge might have reached them unattributed. Since, in Babylonia they were familiar with the correct order, they inverted the order of the *alqaba* and general where the tradition is first presented, and then provided the correction. This way they retained the challenge to the list, but in a way that was factually accurate. Reisner, 57, considers the challenge in the BT as stammatitic, however, it is part of the PT's version of the source.

⁴⁰ This is the name in the manuscripts of the BT, see above, n. 45. For the situation with respect to the PT see above. See Reisner, 218, 238, n. 25.

⁴¹ See Chanoch Albeck, *Introduction to the Talmud Babli and Yerushalmi* (Tel Aviv: Dvir, 1987), 393–94.

ing prayer. Although this tradition is attributed to "R. Hiyya the Great,"⁵⁸ a late second century/early third century *tanna* of Babylonian origin, that would ostensibly place it before the other traditions we have considered, it should actually be considered as coming after it, due to the following considerations. Its literary relationship to the other PT source we have discussed is evident from both the subject matter and vocabulary.⁵⁹ It also takes as its starting point the misunderstanding of Rav Ada bar Ahava's dictum in the PT, as presented above. It assumes that the list is in descending order, and so deliberates between the last two titles in this list. Hence, it is probably posterior to the challenge by R. Le'azar, the son of R. Yose in the fourth century. The structure of this statement furthermore mirrors other PT traditions that relate to the order of entry before the patron, as was customary in the Roman practice of *salutatio*.⁶⁰ Sources that explicitly depict the practice of *salutatio*

⁵⁷ Following this statement Shemuel confesses to counting birds (*birds* and not *chicks*, on the basis of the reading in the Geniza fragment; see Ginzberg, *Commentary on the Palestinian Talmud*, vol. I, 346), R. Bun bar Hiyya to counting rows of stones, and R. Matanya can be sure that by the time he reaches the "We thank you" benediction (when bowing is required) his head will bow of its own accord. The rabbis are ordered chronologically.

⁵⁸ It should be noted that MS Rome has "R. Hiyya," which in the PT would indicate R. Hiyya bar Abba, a fourth century amora. This reading is also cited by additional medieval commentators (such as the *Ran* on the *Rif* (Rosh Hashana, I); the responsa Beer Sheva' 69; responsa Yabi'a Omer, III, Oraḥ Hayyim 8) and the reading חייא בר אבא actually appears explicitly in some commentaries. See Ratner, *Ahawah Zion We-Jeruscholaim*, 55. The placement of his statement before Shemuel should indicate that the editor understood that an earlier Hiyya was being referred to, however, note also Joel Sirkis's reading "R. Yohanan" in place of "R. Matanya" when he cites the PT for the parallel in b. Bava Batra 154b. These medieval readings might slightly undermine our confidence in the reading חייא בר אבא.

⁵⁹ It should also be compared to the statement that appears close by, in y. Berakhot 4, 6, (8c) whereby Shemuel declares that he has only once prayed the Musaf prayer, when the son of the exilarch died and the public did not pray:

דשמואל אמר: אנה מן יומי לא צלית דמוספא אלא חד זמן דמית בריה דריש גלותא ולא צלו ציבורא וצליית'. A parallel to that statement in the BT (Berakhot 30a-b) provides an alternative reason for the same that does not involve the exilarch. In that case, as I have argued in my doctoral thesis (190–91) the PT and BT provide alternative explanations for the non-prayer of Shemuel, each appropriate to their society (and city structure). Combining that source with this one on R. Hiyya (the Great), one does have a sense that the PT is associating Babylonian rabbis with the exilarch for the sake of the law that they intend to promote.

⁶⁰ On the custom of *salutatio* in Roman society in general, see Ludwig Friedlander, *Roman Life and Manners*, vol. I (New York: Routledge and K. Paul, 1968), 30; Richard P. Saller, "Patronage and Friendship in Early Imperial Rome: Drawing the Distinction," in *Patronage in Ancient Society*, ed. Andrew Wallace-Hadrill (London and New York: Routledge, 1990), 57. For the discussion of sources regarding the Jewish world, see Ignaz Ziegler, *Die Königsgleichnisse des Midrasch* (Breslau: Schlesische Verlagsanstalt, 1903), 33–35; Reuven Kimelman, "The Conflict between the Priestly Oligarchy and the Sages in the Talmudic Period (An Explication of PT Shabbat 12:3, 13c=Horayot 3:5, 48c)," (Hebrew) *Zion* 48 (1983): 135–48; especially 137; Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, Texte und Studien zum antiken Judentum, vol. 66

the attribution to R. Hiyya as non-historical, and treat this tradition as secondary to the other, and to date it accordingly.

The other example provided by the BT appears in tractate Zebahim 96b.⁶⁶

ר' יצחק בריה דרב יהודה היה עומד לפני רמי בר חמא
שבקיה ואזל לקמיה דרב ששת.
יומא חד אשכחיה⁶⁷ אמר ליה ראמי [בר חמא]⁶⁸ ארקפתא⁶⁹ נקטן ביד; היה אתי ליה ליד. אמר ליה
משום שחולת לקמיה דרב ששה הוית⁷⁰ [כי רב ששת]⁷¹?

Rav Yiṣḥaq the son of Rav Yehuda was regularly before Rami bar Ḥama [i.e., as his student].

He left him and went [to study] before Rav Sheshet.

One day he encountered him,

He said to him: An *Arqapata* has taken one by the hand; a scent has reached the hand.

He said to him: Because you have gone before Rav Sheshet will you become like Rav Sheshet?!

The student has abandoned his teacher and gone to another. One day he has the misfortune of running into his disgruntled former teacher and is called upon to explain himself. Rami bar Ḥama is presumably citing a popular saying. In the words of Rashi, we have here “a parable relating to the arrogant who strive to stand in the place of superiors and say: ‘the duke has taken me by the hand and the scent of royalty has been absorbed into my hand.’”⁷² He must be referring to an especially high office in order to convey his point and here Rav Sheshet is compared through this image to such an officer. As far as the saying goes, “king” would have been just as suitable and *alqapata* may have been evoked because it was topical. It is, in fact, the timeliness of the mention of the *alqapata* that is of particular interest. Based on the internal relative chronology of the BT, both Rami bar Ḥama and Rav Sheshet would have been the masters they are, as reflected in this source – towards the end of the third and very early fourth centuries C.E. –⁷³ which corres-

⁶⁶ Presented here according to MS Aleppo (= “French” version) cited in the Epistle of Rav Sherira Gaon, (Lewin ed., 45). I have only noted the variants necessary for the coherence of this source. There is nothing in any of the Talmud and epistle variants that adversely affects the point I am making from this source.

⁶⁷ Thus the Yuhasin version – (ed. Constantinople) [= “Spanish” version] and the BT: פגע ביה.

⁶⁸ Thus the Yuhasin version; missing in MS Aleppo.

⁶⁹ Minor variations in the other witnesses of the epistle.

⁷⁰ Thus the Yuhasin version, and additional “Spanish” witnesses, and the BT. In MS Aleppo: הוית.

⁷¹ Missing in the Yuhasin version.

⁷² משל הוא על גסי הרוח משחזלין לעמוד במקום גדולים ואמר הדוכס אחוני בידי וריח המלוכה נקלט לתוך ידי.

⁷³ The geonic chronicles (Seder Tannaim ve-Amoraim and the Epistle of Rav Sherira Gaon) do not provide any dates for these two rabbis. While almost all chronological indications for rabbinic figures are derived from internal and relative considerations. We can con-

appear in the PT with respect to sages that belong to the third and fourth centuries C.E.⁶¹ The formulaic similarity to these *salutatio* traditions is significant for how we evaluate this dictum. Despite R. Hiyya's Babylonian origins, and even if one were to insist on the Babylonian provenance of this tradition, one would have to contend with the indelible signs of its reworking and adaptation to the unique social practices of the Roman world.⁶² Additional considerations for doubting that this source is a genuine tannaitic tradition include the fact that it appears in Aramaic instead of the more usual Hebrew, and indeed is part of a list of statements that are entirely in Aramaic and all the other interlocutors are *amoras*; the fact that it mentions the exilarchate, but the exilarch is not mentioned in any compositions that date to the tannaitic era. I suspect, in fact, as I have argued elsewhere, that the exilarchate did not even exist before the Sasanian era.⁶³ In consideration of the stylistic and substantive similarities to other sources we have mentioned and cited, it would be reasonable to ascribe this tradition to a similar time frame. Earlier scholars, however, have treated this source as an historical testimony. It has been used as evidence for the existence of the exilarchate during the lifetime of R. Hiyya, the status of the exilarch at the Arsacid court, and the privileged status of R. Hiyya for being privy to such information.⁶⁴ However, as we can see, in light of the non-rabbinic sources, it is unlikely that the office of *hargbed* was important enough for the historical R. Hiyya to ponder about,⁶⁵ while in light of the rabbinic evidence, it is reasonable to see

(Tübingen: Mohr Siebeck, 1997), 418–22; Hayyim Shapira, "The Deposition of Rabban Gamaliel: Between History and Legend," *Zion* 64 (1999): 18–19.

⁶¹ Michael Avi-Yonah, *The Jews under Roman and Byzantine Rule* (Jerusalem: Magnes Press, 1984), 47, surmises that in the days of Rabbi Judah I (late second and early third century C.E.) the *salutatio* practice commenced in the patriarchal house, this despite the fact that the testimony only begins with his grandson; see my "The Babylonian Exilarchate in the Sasanian Period," 156–57.

⁶² Babylonian rabbinic society was unfamiliar with this Roman practice. For example, in the story of the deposition of Rabban Gamaliel, that is recorded in the PT and BT in parallel accounts, the phrase *אני ואתם נשכים לפתחו של רבן גמליאל*, a formula for describing *salutatio*, appears at the conclusion of the story in the Palestinian version (y.Berakhot 4, 1, 7d), signifying willingness to subordinate to the patriarch. Its significance is missed in the BT version (Berakhot 27b-28a) that while citing the statement itself, continues to deliberate on the terms of the reconciliation. Shapira, "The Deposition," sees the Palestinian version of this story as a third century creation. See also Herman, 142, n. 625 (Hebrew with English Abstract).

⁶³ Herman, 127–94.

⁶⁴ Notably, Neusner, vol. I, 102, 108. Chaumont, "Argbed," 400, seems to have toned down her own earlier portrayal of the development of the *hargbed* from the Parthian to the Sasanian period in light of Neusner's conclusions. She notes that "the presence of a high official holding the same title [i.e., *hargbed* G.H.] at the Parthian royal court is mentioned in the Babylonian Talmud."

⁶⁵ See Ginzberg, *A Commentary on the Palestinian Talmud*, vol. I, 345.

manner reflecting this new importance. The correspondence between the Talmudic and Sasanian sources is also attested by the fact that one of these sources has mentioned the *hargbed* in a statement that reflects on the top positions within the Sasanian hierarchy. Furthermore, the comparison between the *hargbed* and general has a precise parallel in the works of Tabari, who used Sasanian sources. It appears that echoes of developments within the Sasanian imperial hierarchy resonate quite audibly in the Talmudic sources.

4. The *bidaxš*

One of the more exalted titles within the Sasanian administrative hierarchy was the *bidaxš*.⁸⁰ It is fairly widely attested during the Sasanian era in both Iranian and non-Iranian sources. It appears in epigraphic sources such as the third century royal monumental rock inscriptions⁸¹ and inscriptions on tombs and objects⁸² – in diverse places such as Georgia, Hatra, Paikuli, and Iran; as well as in literary sources, such as Armenian, Latin and Greek chronicles,⁸³ and Syriac martyrologies.⁸⁴ It is documented in various forms but we shall limit ourselves here to noting the forms it takes in Aramaic sources. In Syriac, it appears as *ܒܝܕܬܫܐ*, *ܒܝܕܬܫܐ*, *ܒܝܕܬܫܐ*,⁸⁵ and in Aramaic script from Hatra as *בטחשא*, and *פרחשא*.⁸⁶ There is not complete agreement regarding the etymology of this term, but the more probable explanation sees it as

⁸⁰ The most recent detailed study is in Khurshudian, 19–53.

⁸¹ For Šābuhr I's inscription on the *Ku'be-ye Zardōst* dated 262 C.E., see Michael Back, *Die sassanidischen Staatsinschriften*, Acta Iranica 18 – Textes et Mémoires VIII. (Téhéran and Liège: Bibliothèque Pahlavi, 1978; distributed by E. J. Brill), 152; for Narseh's inscription from 293–296 C.E., see Helmut Humbach and Prods Oktor Skjærvø, *The Sasanian Inscription of Paikuli*, vol. 3.1: *Restored Text and Translation* (Wiesbaden: Reichert Verlag, 1983), 90.

⁸² For example, Fouad Safar, "Ketābāt al-Ḥaẓr," *Sumer* 18 (1962): 42, no. 143; 37, n. 127; André Caquot, "Nouvelles inscriptions araméennes de Hatra VI," *Syria* 41 (1964): 256, 259; Bruce M. Metzger, "A Greek and Aramaic Inscription Discovered at Armazi in Georgia," *JNES* 15 (1956): 18–26.

⁸³ In Armenian sources, e.g., Agathangelos and Pseudo-Faustus (passim). Classical sources include: Procopius, *De bello Persico* 1.13.16; 1.14.32, 38; Ammianus Marcellinus, 23.6.14.

⁸⁴ See Mar Qardagh (see below).

⁸⁵ See Brockelmann, 40; 564.

⁸⁶ Safar, 42, no. 143; 37, n. 127; Caquot, 256, 259. Jonas C. Greenfield, "Nergol DHŠPT," *A Green Leaf: Papers in Honour of Professor Jes P. Asmussen*, Acta Iranica 28 – Hommages et Opera Minora XII (Leiden: E. J. Brill, 1988), 136, n. 8 (= 'Al Kanfei Yonah: *Collected Studies of Jonas C. Greenfield on Semitic Philology*, ed. Sh. M. Paul et al. [Leiden: Brill, 2001], 418–426), has suggested that *פרחשא* might be a personal name.

ponds very well with the time frame seen in the Iranian testimony of the emergence of the *hargbed* to prominence.

Finally, we shall briefly note the testimony from a number of different targums. In these texts *alqaba* is used to refer to the second position in the kingdom, immediately after the king. According to Pseudo-Jonathan to Genesis 41, 44 ("I am Pharaoh and apart from yourself none shall raise their hand nor leg in all the Land of Egypt")⁷⁴; Pharaoh said to Joseph: "I am king Pharaoh and you are the *alqaba*."⁷⁵ And likewise with the verse from Esther, 10, 3: "For Mordechai the Jew was second to the King Ahasuerus and a great man for the Jews"⁷⁶ we find that according to many of the MSS of the First Targum of Esther,⁷⁷ Mordechai had become the *alqaba* to a king of excellent Persian credentials – Ahasuerus.⁷⁸ The Aramaic Targum for the words מִשְׁנֵה לַמֶּלֶךְ in 2 Chronicles 28, 7 is also אַרְקֵבֶטָא דְּמַלְכָא.⁷⁹ These references certainly do not date prior to the end of the third century C.E. and most, if not all of these targums themselves, even post-date the Sasanian era.

In summary, we have examined two PT and two BT sources that mention the *hargbed*. One of the PT traditions is obviously a parallel version to one of the BT traditions. We have argued that the other PT tradition is of a secondary nature, stemming from the first PT tradition, and thereby posterior to it. Thus there exist two fully independent Talmudic traditions that mention the *hargbed*, and both evoke the office of *hargbed* in the same generation. This time frame corresponds to the very period when it grew in importance within the Sasanian hierarchy. These Talmudic sources indeed portray it in a

clude with a degree of certainty that Rav Sheshet belongs to the generation of rabbis who flourished in the latter third of the third century and perhaps the early fourth century. Greater precision than this is risky. The *floruit* of Rami bar Hama might be placed a little after Rav Sheshet. The most recent discussion on the chronology of these rabbis is by Barak S. Cohen, "Rav Sheshet and his Interpretive and Analytical Methodology" (Ph.D. diss., Bar-Ilan University, 2003), 34–37; *idem*, "Rami bar Hama, His Analytical Methodology and Rava's Critique Thereof" (MA thesis, Bar-Ilan University, 2000), 38–41 (both in Hebrew). He also briefly discusses this source (but not the issues addressed here) in "Rav Sheshet," 4–5; and "Rami bar Hama," 79–82.

⁷⁴ אני פרעה ובלעדיך לא ירים איש את ידו ואת רגלו בכל ארץ מצרים

⁷⁵ Moses Ginsburger, *Pseudo-Jonathan* (Berlin: S. Calvary, 1903), 78: אָנָא פֿרעָה מלכָא ואנת אלקפֿטָא

⁷⁶ כי מרדכי היהודי משנה למלך אהשוורוש וגדול ליהודים

⁷⁷ See Bernard Grossfeld, ed., *The Two Targums of Esther*, The Aramaic Bible 18 (Edinburgh: T. & T. Clark, 1991). On the date of this Targum, see his review and discussion, 19–21.

⁷⁸ Pinkhos Churgin, *The Targum to Hagiographa* (New York: Horev, 1945), 190: אָרום מרדכי יהודאָה אלקפֿטָא לַמֶּלֶךְ אַחשוּרוּשׁ ורבֿן עַל כָּל יְהוּדָאִין

⁷⁹ Alexander Sperber, *The Bible in Aramaic*, vol. IV/A, The Hagiographa (Leiden: E. J. Brill, 1968), 58. This Targum is generally considered to post-date the completion of the BT, see Safrai, "The Targums as Part of Rabbinic Literature," in *The Literature of the Sages*, Second Part: *Midrash and Targum et al.*, eds. Safrai ו"ל et al. (Assen: Van Gorcum, 2006), 273–74.

orthography of the printed editions, or with the minor alteration to פֶּרֶדְכָּשָׂא – as some MSS have it, and sought appropriate contenders. Let us first attempt to establish the most probable original orthography. The following table summarizes the data from the principle textual witnesses I have found for the word in b.Megilla and Shabbat. It lists the three forms attested, and the witnesses where each of these forms appears. I have relegated information regarding the date and provenance of these witnesses to the notes.

Table 1

פֶּרֶכְשָׂא	פֶּרֶדְכָּשָׂא	פֶּרֶדְשָׂא
Arukh	MS Munich 95 (Megilla)	Printed versions (Vilna, Pesaro, Soncino)
MS Columbia University X893 T141 (Megilla) ⁹⁴	MS Munich 140 ⁹⁵ (Megilla)	MS Oxford Bodl. (366) Opp. Add. Fol. 23 (Megilla and Shabbat) ⁹⁶
Geonic explanation ⁹⁷	MS British Library Harley 5508 (400) (Megilla) ⁹⁸	MS Vatican 134 (Megilla) ⁹⁹
München Bayerische Staatsbibliothek, Cod hebr 436/17 ¹⁰⁰	MS Göttingen Cod. Ms. hebr. 3 Or. 13 (Megilla) ¹⁰¹ Bologna State Archive ¹⁰³	MS Munich 95 (Shabbat) ¹⁰²

⁹⁴ See below.

⁹⁵ This is a Spanish manuscript (also with respect to its orthography) probably from the early fifteenth century. Michael Krupp, "Manuscripts of the Babylonian Talmud," in *The Literature of the Sages*, Part. I, eds. Shmuel Safrai, Zeev Safrai, Joshua Schwartz, et al. (Assen: Van Gorcum; Philadelphia: Fortress Press, 1987, 354), dates it to the thirteenth century. See Raphael Rabinovicz, *Diqduq Soferim*, vol. I (Munich: Heinrich Roesl, 1868–86), 36–38; and Eliezer Segal, "The Textual Traditions of Tractate Megillah in the Babylonian Talmud" (Ph.D. diss., Hebrew University, 1981) (Hebrew with English abstract), 214, with further scholarly literature.

⁹⁶ This is a fourteenth-fifteenth century Spanish manuscript according to Segal, *Textual Traditions*, 215, with references to earlier literature. Krupp, "Manuscripts," 355, dates it to the thirteenth century.

⁹⁷ It is cited in the Arukh. More precisely, it has: פֶּרֶכְשָׂא according to most MSS of the Arukh, in the printed editions of the Arukh it is פֶּרֶדְכָּשָׂא. See Alexander Kohut, *Aruch Completum*, vol. VI (Wien, 1926), 412, n. 3. For the ending, one could suspect a popular etymology on the basis of the word *šāh*; see Lewin, *Otzar ha-Gaonim*, vol. 2, *Tractate Shabbath* (Jerusalem: Jerusalem: H. Yagshal, 1984), 55, who cites: פֶּרֶכְשָׂא.

⁹⁸ This is an Italian Ashkenazi manuscript. Opinions concerning its date vary. The card catalogue from the Institute for Microfilm and Hebrew Manuscripts at the Jewish National and University Library dates it to the fourteenth-fifteenth century. Segal, *Textual Traditions*, 108–09, agrees with this date. George Margaliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, vol. II (London: The Trustees of the British Museum, 1965), 53, placed it in the twelfth-thirteenth century; Rabinovicz, vol. IV, 7, places it close to 1390 C.E.; Krupp, "Manuscripts," 353, dates it to the thirteenth century, and considers it Spanish.

⁹⁹ This is a fourteenth century Franco-German manuscript, according to the Institute for Microfilm and Hebrew Manuscripts at the Jewish National and University Library. Segal, *Textual Traditions*, 111, notes that the manuscript has been written with considerable carelessness and has many omissions.

something like "vice-roy."⁸⁷ There were a number of incumbents at any one time, generally members of the Sasanian dynasty who represented the king in various provinces, perhaps particularly in the border provinces. We lack detailed information with regard to its function, which was probably both administrative and military, but in practice, the details might also have varied slightly from place to place and with time.⁸⁸

The question is whether this title also appears in the BT. An interesting situation has emerged whereby a number of scholars, particularly Iranologists, in discussing the etymology of *bidaxš* have included references to the BT but this Persian identification is entirely absent from the mainstream Talmudic lexicographical literature.⁸⁹ Nöldeke first identified as *bidaxš* the word that appears in the printed edition of the BT, Shabbat 94a and Megilla 12b with the spelling פִּרְכֶּשָׁא.⁹⁰ He preferred the Arukh's orthography: פִּרְכֶּשָׁא, and assumed the minor change to פִּרְכֶּשָׁא.⁹¹ The Italian Iranologist, Pagliaro independently, albeit 50 years later, also made the connection. He suggested that the spelling found in the printed editions of the Talmud is corrupted and should be corrected to reflect *bidaxš*.⁹² Most recent Talmud lexicographers have also considered this Talmudic word to be Persian, but they have promoted other candidates.⁹³ They have generally accepted the

⁸⁷ Walther Hinz, *Altiranische Funde und Forschungen* (Berlin: De Gruyter, 1969), 149–53; Szemerényi, 361–66. For a summary of the issues, see Werner Sundermann, "Bidaxš," *Elr* 4 (1990): 243; also Khurshudian, *Verwaltungsinsitutionen*.

⁸⁸ Ammianus Marcellinus (13.6.14), for instance, writing in the fourth century C.E. equates it with the *magister equitum*, "master of the cavalry." A military role is also basic to the appointment of Mar Qardagh as both *marzbān* and *bidaxš*. See Paul Bedjan, *Acta martyrum et sanctorum syriace*, vol. II (Paris: Otto Harrassowitz, 1891), 445.

⁸⁹ For the identification: Theodor Nöldeke, "Zwei Völker Vorderasiens," *ZDMG* 33 (1879): 159, n. 2; Antonio Pagliaro, "Mediopersiano *bitaxš*, armeno *bdeaxš*: ὁ ὀφθαλμὸς τοῦ βασιλέως," *RSO* 12 (Roma) (1929–1930): 164; Metzger, "A Greek and Aramaic Inscription," 22; Khurshudian, 20, 268. Segal, *The Babylonian Esther Midrash: A Critical Commentary*, vol. I (Atlanta: Georgia, Scholars Press, 1994), 289–90, n. 218, reviews the discussion on this term in the talmudic *lexica*.

⁹⁰ A third Talmudic reference to b. Shabbat 110a reading the words that appear there כָּשָׁא as one word, amended to כָּרְכֶּשָׁא, is mentioned by Theodor Nöldeke, "Review of *Abbe-loos' Acta Mar Kardaghi und Feiges Geschichte des Mār 'Abhdišō' und seines Jüngers Mār Qardagh*," *ZDMG* 44 (1890): 532; it was favoured by Metzger, "A Greek and Aramaic Inscription"; and Khurshudian, *Verwaltungsinsitutionen*; however, this is unlikely on account of both orthography and context (the character is assumed to be Jewish).

⁹¹ Joseph Perles had brought attention to the Arukh's divergent spelling in his "Etymologische Studien zur Kunde der rabbinischen Sprache und Alterthümer," *MGWJ* 19 (1870): 564.

⁹² Pagliaro, "Mediopersiano *bitaxš*, armeno *bdeaxš*." He cites Jastrow's lexicon.

⁹³ Geiger (*Additamenta*, 336) suggests with hesitation, < MP *par* "above" and **daxš*- "guard?," that is, "superior of the guards." Shaked, "Iranian Loanwords in Middle Aramaic," *Elr* 2 (1987) 260, suggests < MP **pardak-kaš* "one who draws the curtain." Some earlier lexicographers sought a Greek origin for the word. Sokoloff, 928, under the heading "פִּרְכֶּשָׁא" leaves the etymology "uncertain," and offers for a definition: "a certain official."

riously enough all the other textual witnesses of 'Avoda Zara 18a have lost the original word and preserve only this gloss.¹⁰⁸ In this source R. Meir disguises himself as a פרכשא in order to test whether the daughter of R. Hananya ben Teradion, also his sister-in-law, who has been incarcerated in a state brothel has preserved her chastity. She employs various stratagems to discourage his advances, and he concludes that she has acted in a similar fashion with all previous potential clients. He then bribes the guard and redeems her. From the perspective of the plot, having R. Meir disguise himself as one of particularly high rank would serve to dramatise her plight and hence underscore her piety.

In sum, then, five textual witnesses, that in all respects would be highly prized as preserving a better text, have פרכשא or very close likenesses to this. These textual witnesses are, with the exception of the Yemenite MS, among the earliest witnesses we possess for the texts where the term appears, and also encompass a broad geographical scope (Iraq, Yemen, Spain, Italy, and Ashkenaz) that would support the primacy of this reading. With a ר/ד correction it is very close to the transcription of *bidaxš* in the contemporary Aramaic inscriptions from Hatra and in the Syriac attestations and so it, too, is likely to refer to the same. In Syriac, as we noted earlier, it is attested as פטחשא and with a prosthetic vowel, אפטחשא, אפטכשא, and from Hatra the forms פדחשא and בטחשא are found. The variations between these forms and פדכשא* are within the realm of the usual cases of phonetic correspondence, i.e., פ/כ; ד/ט; and כ/ח. The possibility that we indeed have the *bidaxš* here is not contradicted by the context in which this title appears. As we shall see, in the other two Talmudic sources it is portrayed as a very high-ranking position.

In b.Megilla 12b King Ahasuerus is ridiculed for decreeing that "each man shall rule in his home" (Esther 1, 22). For the rabbis of the BT such a decree was quite superfluous since (according to MS Columbia University): פרכשא ניהו – אפילו קרחא בביתיה פרכשא ניהו – "in his own home, even a קרחא is a פרכשא." The sense of this proverb is clear enough: even the most humble man is the master in his own house. However, the precise meaning, not only of פרכשא but also of קרחא has proved elusive. Relating קרחא to baldness seems unlikely in this context,¹⁰⁹ but no readily acceptable alternative has been proposed.¹¹⁰ Rashi, capturing the essence of what is evidently a popular saying explains that even a weaver (גרדן) rules in his home, and describes "פרדשכא" as a high-ranking official (ונגיד פקיד).¹¹¹ Weaving can certainly be portrayed

¹⁰⁸ Thus MS Munich 95: פרש' דמלכ'; MS Paris 1337: פרשי מלכא; Pisaro and Vilna ed.: פרשא.

¹⁰⁹ See the commentary of the Maharsha.

¹¹⁰ Sokoloff, 1039, concluded that the meaning is uncertain.

¹¹¹ See the detailed comments in Segal, *The Babylonian Esther Midrash*, vol. I, 289, especially, n. 217.

While one cannot generalize on the quality of individual Talmud manuscripts for particular words, there is little doubt that the form פרכשא is evidenced in an exceptionally high quality group of witnesses. They include the Geonic explanation, as cited in the Arukh; the Arukh, itself; and MS Columbia University X893 T141. The value of the geonic versions of the Talmud for early textual evidence is well-known; the eleventh century Arukh, likewise, is valued for its early readings of Talmudic sources. The Columbia manuscript is a Yemenite MS, dated 1546, of the oriental type. It has been judged following a comprehensive study, despite its lateness, on multiple criteria to be the best representative of this tractate.¹⁰⁴ The addition of the Munich fragment is also interesting in that it is an early Ashkenazi textual witness.

In addition to the above, MS New York, JTS Rab. 15, a Spanish manuscript on tractate 'Avoda Zara of unique importance,¹⁰⁵ dated by a colophon to 1290, provides us, on folio 18a, not only with an additional occurrence of the term, but of an additional example of the spelling פרכשא. This occurrence is in fact a little messy but nevertheless unambiguous. פרכשא appears in the body of the text. The scribe has then collated the manuscript with others and made the sign for erasure over this word¹⁰⁶, offering between the lines two alternatives: first, פרכשא and as an additional reading, פרשא ("horseman"), the latter evidently being merely an explanatory gloss.¹⁰⁷ Cu-

¹⁰⁰ See Ernst Röth, *Hebräische Handschriften*, vol. II (Wiedbaden: Steiner Verlag, 1965), 293, no. 462. This is a fragment of b.Shabbat 93b-95a. A second folio (Cod. Hebr. 436/18) contains the continuation, i.e., Shabbat 95a-96b. Dr. Edna Engel from the Institute for Microfilm and Hebrew Manuscripts at the Jewish National and University Library kindly examined it for me and concluded that on palaeographical grounds it is Ashkenazi and dates to the early thirteenth century.

¹⁰¹ This manuscript is a thirteenth century Spanish manuscript. The orthography is also Spanish. Although it is closely connected to the Yemenite MS Columbia, this similarity is not true for pages 11b-17a, wherein lies our source. See Segal, *Textual Traditions*, 13.

¹⁰² This is an Ashkenazi manuscript dated by a colophon to 1343. The orthography is also Ashkenazi. See the detailed description in Rabinovitz, vol. I, 27; Segal, *Textual Traditions*, 109.

¹⁰³ According to the information provided by the Institute for Microfilm and Hebrew Manuscripts at the Jewish National and University Library it is in a square Spanish hand from the thirteenth century. The כ is a little unclear.

¹⁰⁴ The detailed analysis of this manuscript is in Segal, *Textual Traditions*, 1-107.

¹⁰⁵ See the introduction to the photo-edition by Shraga Abramson and Alexander Marx, *Tractate 'Abodah Zarah of the Babylonian Talmud, MS.* (New York: Jewish Theological Seminary of America, 1957) (Hebrew). See also Shamma Yehudah Friedman, "Avodah Zarah, Cod. JTS: A Manuscript Copied in Two Stages," *Leshonenu* 56 (1992): 371-74.

¹⁰⁶ There is an additional sign of erasure just for the ר that may have preceded the decision to erase the entire word.

¹⁰⁷ See *Tractate 'Abodah Zarah*, 32 and notes, p. פ.

Here, too, we have the case of a well-known incident that is summoned as proof for a legal opinion. Evidently it was noteworthy because the humiliation was great.¹¹⁷ More significantly, it is precisely because the פרכשא is so high a rank that such a humiliation has entered folklore. The sum of the data then strongly suggests that the *bidaxš* is indeed attested in the BT.

Conclusions

The distance between historians of the Sasanian Empire and Talmudists remains large. Experts in Sasanian history are often hesitant to approach the BT, and generally do so uncritically, sometimes relying upon translations of the printed versions of the BT, and rarely delving deeper into the texts. Talmudists, on the other hand, are often unfamiliar with the Sasanian world. This study represents an effort to bridge this gap, albeit in a limited way. The Talmudic sources on two key titles from the Sasanian state administration have been analysed critically, in light of the data from Sasanian sources, with the expectation that they would shed light on one another.

A close source-critical examination of the Talmudic sources on the *hargbed* has led to a more precise date for the earliest Talmudic references to the *hargbed*, and comparison with the Sasanian epigraphic evidence reveals a remarkable correspondence, suggesting that the BT was aware of, and responsive to, developments within the Sasanian administrative hierarchy.

Concerning the *bidaxš*, the primary purpose has been to determine whether this title is attested in the BT. Some Iranologists had proposed identifying this title with a word found in the BT on the unlikely basis of emendation, or supported by one rare textual witness against what was generally considered the better attested orthography. The close examination of the Talmud manuscripts and other important early textual evidence has yielded an unexpected result. The spelling that was considered exceptional is in fact attested by a sufficient number of the better texts for it to be considered as the original form. This is, however, merely the necessary groundwork for further exploration on *how* the BT is using this, and other Sasanian administrative titles.

This paper may be construed as an invitation to experts in Sasanian history to take a closer look at the BT, but also to emphasize the need to apply the particular critical methodology required in the study of this literature.

¹¹⁷ The humiliation of forcing Persian horsemen to go by foot is explicit in other sources, such as *Kārnāmag* 10.10, and in the Armenian chronicle attributed to Sebeos. See Robert W. Thomson, ed., *The Armenian History Attributed to Sebeos* (Liverpool: Liverpool University Press, 1999), 149; for further discussion and details, see my article, "Iranian Epic Motifs," 259.

as a humble trade,¹¹² although for how Rashi made the connection here one can only conjecture¹¹³ and it may have been merely an example.¹¹⁴

The context of the occurrence of the term in b.Shabbat 94a is a little more involved. It appears in the midst of a discussion on Sabbath law and eventually addresses Persian customs of riding horses. The following incident of renown is cited at the conclusion in support of one of the opinions:¹¹⁵

היהוה פרשט דרבה נקבא עליה ודרהט תלמא פרס בברשיה.

There was a פרשט with whom the king was angry and he ran three parasangs by foot.¹¹⁶

¹¹² See, for instance, Tosefta 'Eduyot 1, 3. For a useful discussion on weaving in the relevant Jewish and Iranian sources, see Eli Ahdut, "The Status of the Jewish Woman in Babylonia in the Talmudic Era" (Ph.D. diss., Hebrew University, 1999), 147–57. See also Moses Aberbach, *Labor, Crafts, and Commerce in Ancient Israel* (Jerusalem: Magnes Press, 1994), 209–12. He follows Rashi in interpreting our source. His chapter entitled "Recommended and Undesirable Trades," 159–240, provided no clue to our question here.

¹¹³ See Meir Ayali, *A Nomenclature of Workers and Artisans in the Talmudic and Midrashic Literature* (Tel Aviv: Ha-Kibbutz ha-Meuahd, 2001) (Hebrew), 98, 125–26.

¹¹⁴ I shall nevertheless hazard the following tentative thoughts: it would be reasonable to expect the two key terms in this folk saying to resonate, and so, if the latter is indeed *bidaxš* then perhaps the former is קדח with a ד in place of the ר. This provides a logical candidate for the proverbial lowly occupation: driller, may have been chosen. Mesopotamia's canals and rivers required an intensive human investment in their creation, utilization and constant maintenance, such as the work of digging, damming, and dredging. Many a worker, with few skills, must have been employed in the water system; see Elman, "Up to the Ears' in Horses' Necks" (B.M. 108a): On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *JSIJ* 3 (2004): 95–149, which among other virtues provides an invaluable review of this subject with much literature. See also Julius Newman, *The Agricultural Life of the Jews in Babylonia between the Years 200 C.E. and 500 C.E.* (Oxford: Oxford University Press, 1932), 82–89; Krauss, *Talmudische Archäologie*, vol. II (Hildesheim: Olms, 1966), 346, with literature and sources cited on 685, n. 278. Among the many meanings of the root קדח, is "to bore through" (see Sokoloff, 983; and similarly in the Syriac *lexica*); it is specifically used in the BT with reference to the maintenance work on a canal. The source is b.Mo'ed Qaṭan 4b, where we have three distinct rulings regarding labor that is permitted on the intermediate days of a festival. They consist of לשחופי נהרא; למיכרא נהרא; and לשחופי נהרא; respectively: (1) to dredge a canal (Sokoloff, 1128); (2) to dig a dammed up canal; and (3) to bore through Borniš (?) canal. קדח, which might be the term for a laborer employed in boring [canals], that is, a canal digger or driller, and may have been chosen for this proverb. An alternative possibility would translate קדח as water drawer – which is the classical lowly worker. On the meaning of the (Hebrew) root קדח as "to draw out [i.e., a liquid]" [= שאב], see Saul Lieberman, "Emendations on the Jerusalem," *Tarbiz* 3 (1932): 209–10; *idem*, *Tosefta Ki-fshutah*, vol. III (Jerusalem: Jewish Theological Seminary of America, 1992), 284, n. 11; vol. IV, 690; vol. V, 971–72. This usage, however, although attested in Palestinian Aramaic, does not appear to be known for Babylonian Aramaic (see Sokoloff, 1128).

¹¹⁵ Here according to the *Münchener Bayerische Staatsbibliothek*, Cod hebr 436.

¹¹⁶ MS Vatican, Bibliotheca Apostolica Ebr. 108 adds: בהלא ("in the sand"); see Ketubot 60b; 'Aboda Zara 15b. This version is inferior as it deflects from the true focus of the humiliation.

Talmudic Attitudes Toward Dream Interpreters

Preliminary Thoughts on their Iranian Cultural Context*

RICHARD KALMIN

Evidence is far from plentiful, but numerous modern scholars contend that one of the important functions of the Magi, professional Persian priests, was dream interpretation. According to Herodotus 1.108, the Median king Astyages "dreamed that a vine spread out of his daughter Mandane's private parts and covered Asia. The Magi said this meant her sons were to usurp his throne,"¹ thereby predicting the rise of Cyrus.² Herodotus also mentions the "dream interpreters among the Magi" in 1.120 and 1.128, and in 7.12-19, he relates that Magi interpreted the dreams of Xerxes to foretell his domination of the entire world, inducing him to wage his ill-fated war with the Greeks.³

In addition, Cicero *De Divinatione* 1.23.46 reports Cyrus's dream that the sun stood at the end of his bed and that he tried three times to grasp it. According to Cicero, the Magi correctly interpreted the dream to foretell Cyrus's thirty-year reign.⁴ The Greek and Roman sources may present us with literary conventions; there is a clear connection, for example, between Cicero's tradition and Herodotus 1.108, but the classical sources may also provide an early testimony of one of the Magi's historical functions. In either case, the reputation of the Magi as dream interpreters is an important datum, which perhaps had an impact on Babylonian rabbinic attitudes toward dream interpretation (see below).

There is evidence corroborating the Greek and Roman portrayal in Persian and Armenian sources, including some traditions that were contempo-

* I thank M. Rahim Shayegan of UCLA for helping me navigate ancient and early medieval Persian literature. Any remaining errors of fact and judgment are mine alone.

¹ See James R. Russell, "'Sleep' and 'Dreaming' in Armenian," in *Proceedings of the Fourth International Conference on Armenian Linguistics*, ed. John A. C. Greppin (Delmar, N.Y.: Caravan Books, 1992), 158.

² See Albert de Jong, *Traditions of the Magi: Zoroastrianism in Greek and Latin Literature* (Leiden: Brill, 1997), 396.

³ See Peter Kingsley, "Meetings with Magi: Iranian Themes Among the Greeks, from Xanthus of Lydia to Plato's Academy," *JRAS*, Third Series 5, 2 (1995): 193.

⁴ See de Jong, *Traditions of the Magi*, 396. Patricia Cox Miller, *Dreams in Late Antiquity: Studies in the Imagination of a Culture* (Princeton: Princeton University Press, 1994), 44-46, discusses Cicero's generally hostile attitudes toward dream interpretation.

I have tried to demonstrate that the BT contains precise datable material that, with due care, may be identified and relied upon as evidence – even for developments within the Sasanian bureaucracy. No less significant, perhaps, it provides a unique perspective that is often lacking in the other sources at our disposal. It offers us a taste of the popular reverberation of high officialdom among the more humble subjects of the empire. Epigraphic sources, gems, and bullae indeed provide us with invaluable lists of title-bearers and critical data on mapping out the Sasanian administrative geography and hierarchy. But left with such sources alone we would surely be all the poorer never having heard how a rabbinic sage might be likened to the powerful *hargbed* who, with the touch of his hand, dispels a potent fragrance.

the power to send significant dreams: his temple near Artaxata is called in Agathangelos *eraz(a)moyn* ... which contains the word for dream, *eraz*.⁸ Russell also notes:

The Armenian historian Movses Xorenac'i ... has the nightmare troubled Astyages ... summon the Magi to his bedside.⁹ Although this is a literary topos, it may allude to the reassuring vigilance of the Magi: Zoroastrian priests perform the office of the Videvdat ("law against the Demons") in the small hours ...¹⁰

It is likely, therefore, that the Magi were summoned because they were deemed to have the power to neutralize the demonic power of evil dreams, one of the crucial functions of a dream interpreter, or, as the term can also be rendered, "dream-dissolver."¹¹

A Syrian Christian text in Greek dating from the fifth century C.E., commonly known as *narratio in Perside*,¹² likewise depicts a Persian priest as a dream interpreter, and as is noted by Albert de Jong, "Syrian Christian literature is one of the chief sources for the history of Sasanian Zoroastrianism."¹³ Telling the story of the birth of Jesus from what purports to be a Persian perspective, the text describes the Iranian king coming to the chief temple of the Persians to ask for the interpretation of a dream. The priest informs him that Hera, the Greek goddess, had borne a child. The king asks whether it is possible for the dead to conceive, and the priest answers that it did indeed happen, for Hera had intercourse with the sun god, and the gods had informed the priest not to call her Hera any more, "but Ourania, 'the heavenly one,' and then to call her Pege, 'the source.'"¹⁴ A heavenly prodigy then appeared in the sky, which the royal interpreters of signs say means that Pege is the daughter of Karia, who has given birth in Bethlehem to a new king, who is, of course, Jesus.

It is important to keep in mind that dream interpretation is a form of divination, and the Magi were also renowned diviners. Diogenes Laertius (third

⁸ *Idem*, "'Sleep' and 'Dreaming' in Armenian," 147 and 152.

⁹ Movses Xorenac'i 1.26.

¹⁰ Russell, "Sages and Scribes at the Courts of Ancient Iran," in *The Sage in Israel*, 145.

¹¹ For other relevant information about the magi, see Arthur Darby Nock, "Paul and the Magus," in *The Beginnings of Christianity V*, ed. Jackson-Lake: London: Macmillan & Co., 1933; reprinted in Arthur Darby Nock, *Essays on Religion and the Ancient World*, vol. 1, ed. Zeph Stewart (Oxford: Clarendon Press, 1972), 164–8; (Nock notes that Achmet in his *Oneirocriticon* gives what he claims are Indian, Persian, and Egyptian interpretations of dreams); Gikyo Ito, "On Yasna 51:16 – referring to the *Av. magavan* and *Ved. magha(van)* – *Gathic XVII*," *Orient* 23 (1987): 15–17.

¹² For the text, see Eduard Bratke, ed., *Das sogenannte Religionsgespräch am Hof der Sasaniden* (Leipzig: J. C. Hinrichs, 1899), 1–45.

¹³ de Jong, "Zoroastrian Self-Definition in Contact with Other Faiths," in *Irano-Judaica*, vol. 5, eds. Shaul Shaked and Amnon Netzer (Jerusalem: Ben-Zvi Institute, 2003), 18–19.

¹⁴ *Ibid.*, 19.

rary with the Babylonian rabbis.⁵ The Pahlavi *Kārnāmag ī Ardaxšīr Pābagān*, "The Book of the Deeds of Ardashir, son of Papak," attests the prominence of dream interpreters in the Sasanian court:

*Pābag šah-ew pad xwamn did ēyōn ka xwarsēd az sar ī Sāsān bē nābēd ud hamīg gēhān rōšnīh kunēd. Anī šab ēdōn did ēyōn ka Sāsān pad pīl-ew ī ārāstag ī spēd nīstast estād ud har kē andur kišwar pērāmōn ī Sāsān estēnd ud namāz awiš harēnd ud stōvišn ud āfrīn hamē kunēnd. Anīy sidīgar šah hamgōnag ēdōn did ēyōn ka ādur Farnbāy Gušnasp ud Burzēn-mihr pad xānag ī Sāsān hamē waxšēnd ud rōšnīh ī hamīg gēhān hamē dahēnd. Pābag ka-š pad ān ēwēnag did abd sahist u-š dānāgān ud xwamn-wizārān ō pēš xwāst ud *ān har 3 šab xwamn ēyōn did estād pēš ī awēšān guft. Xwamn-wizārān guft kū ān kē ēn xwamn padīš did ōy ayāb az frazendān ī ān mard kas-ew ō pādixšāyīh ī gēhān rasēd. Čē xwaršēd ud pīl ī spēd ī ārāstag čērīh ud tuwānīgīh pērōzīh ud ādur Farnbāy dēn-dānāgīh meh mardān ud mowmardān ud ādur Gušnasp artēštār ud spāhbedān ud ādur Burzēn-mihr wāstaryōšān ud warzkerdārān ī gēhān ud hāmōyēn ēn pādixšāyīh ō ān mard ayāb frazendān ī ān mard rasēd.*⁶

One night, in his dream, Pābag saw the sun shining from (behind) Sāsān's head and illuminating the entire world. Another night, he saw how Sāsān was seated upon an adorned white elephant, and (how) all (the people) within the realm were standing around Sāsān, paying obeisance to him, and kept praising, and invoking blessings on him. A third night, he saw, in the same manner, how the fires Farnbāy, Gušnasp, and Burzēn-mihr blazed from Sāsān's abode, and bestowed light upon the entire world. Pābag upon seeing it in that manner was stupefied, and summoned to his presence the wise-men and the dream-interpreters, and told them what he had seen in dream in each of the three nights. The dream-interpreters said that the one whom he had seen in this dream, he, or one from among that man's children, shall attain world-dominion. For the sun and the adorned white elephant (represent) bravery, ability, and victory; the fire Farnbāy (represents) the religious knowledge of the grandees and the magi; the fire Gušnasp (represents) the warriors and commanders; the fire Burzēn-mihr the cattle-breeders and farmers of this world. And this whole rulership shall come to that man, or to the children of that man.

In addition, James Russell observes, "In pre-Christian Armenia ... a certain Magus was renowned as an interpreter of dreams (mogi ... erazahani)."⁷ Elsewhere Russell observes, "The ancient Armenians appear to have attributed to the god Tir, heavenly messenger and inscriber of the deeds of men,

⁵ See Shaul Shaked, *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: School of Oriental and African Studies, University of London, 1994), 73–85. See also de Jong, *Traditions of the Magi*, 457.

⁶ Behramgore Tehmurasp Anklesaria, *Kār-nāma-ī Artakhsīr-ī Pābakān* (Bombay, 1935), 2–4, ll. 8–13. For a recent new edition together with a French translation of the *Kārnāmag*, see Frantz Grenet, *La Geste d'Ardashir fils de Pābag: Kārnāmag ī Ardaxšēr ī Pābagān* (Die: édition A Die, 2003), 56–58.

⁷ See Russell, "The Sage in Ancient Iranian Literature," in *The Sage in Israel and the Ancient Near East*, eds. John G. Gammie and Leo G. Perdue (Winona Lake, IN: Eisenbrauns, 1990), 86. See also *idem*, *Zoroastrianism in Armenia* (Cambridge: Harvard University Press, 1987), 296–97; and *idem*, "'Sleep' and 'Dreaming' in Armenian," 147, 154, and 148–50, n. 1.

wealth of documentation in foreign sources, by pointing out the priestly nature of most of the surviving Persian literature from antiquity. These scholars argue that the priests who composed and transmitted the official accounts of the Zoroastrian religion omitted references to activities that they considered to be disreputable magic or superstition.

This admittedly sketchy evidence of the role played by Magi in dream interpretation may help explain peculiar features of Babylonian rabbinic attitudes toward dream interpretation. The ensuing discussion is preliminary rather than probative, and I make no pretense of having proven the existence of a connection between rabbinic attitudes and Persian realities. Rather, it is hoped that this study will stimulate further research, uncovering additional points of contact or contrast between Persians and Babylonian rabbis, better enabling us to evaluate the significance of the findings of this paper.

We will argue below that a lengthy discussion of dreams in the Babylonian Talmud is designed to blunt the force of negative dreams, and to equip individual dreamers with the tools necessary to cope on their own with anxiety-producing dreams, thereby removing the need to consult professional dream-interpreters.²⁴ While firm conclusions are not possible due to the paucity of evidence, perhaps there is a connection between the rabbis' desire to avoid dream interpreters and their desire, also to be documented below, to avoid Magi.

Interestingly, the Bavli, like the Yerushalmi, depicts without disapproval Palestinian rabbis as professional dream interpreters. That is, both Talmuds portray Palestinian rabbis interpreting, sometimes for a fee, the symbolic dreams of non-rabbis, but only one story depicts a Babylonian rabbi in this fashion, and he is strongly condemned. This story is a lengthy account in b.Berakhot 56a about a wicked, professional dream interpreter named Bar Hedya,²⁵ who, elsewhere in the Bavli, is portrayed as a perfectly conventional rabbi who began his career in Babylonia and ended up in Palestine. These facts suggest that the Bavli's portrayal of Babylonian rabbis other than Bar Hedya interpreting only the message dreams of their students (i.e., dreams that consist of explicit, intelligible speech), with the message usually consisting of a quotation of scripture,²⁶ is a deliberately selective portrayal of reality in Babylonia. The rabbis who played the dominant role in editing and transmitting the Bavli want us to believe that Babylonian rabbis had little or nothing to do with professional dream interpretation, either as practi-

²⁴ The ensuing discussion is a reworking of my earlier treatment of rabbinic attitudes toward dream interpretation in *Sages, Stories, Authors, and Editors in Rabbinic Babylonia* (Atlanta: Scholars Press, 1994), 61–80.

²⁵ Or Bar Hadaya.

²⁶ B.Ta'anit 24b (Rava and Rav Elazar Mihegronia); b.Sotah 31a (Rava and two unnamed disciples); b.Sanhedrin 81b–82a (Rav and Rav Kahana); and b.Hullin 133a (Rav Yosef and Rav Safra).

century), citing Sotion,¹⁵ relates that the Magi “practice divination and prediction, declaring that the gods appear to them.”¹⁶ The Magi gradually took on the roles of the Chaldaeans, notably astrology, once Babylonia became a Persian province.¹⁷ and, again according to Diogenes Laertius, the Chaldaeans “apply themselves to astronomy and forecasting the future.”¹⁸ and the Magi also practice divination and predict future events.¹⁹

Shaul Shaked observes that “[t]he Magians had a great reputation as magicians, and they acquired it not only among foreigners but also in Iran itself. The *Šāhnāme*, the “Book of the Kings,” has numerous references to the supernatural power of the Magi.”²⁰ In *Šāhnāme* 9.146-148,²¹ for example, a mobad reveals the coming of a new ruler called Kay-Qobād to Rostam’s father, Zāl:²²

From the seed of the Kayānids one ought now	(ascend) to the Kayānid throne, girt with the belt (of royalty)
The mobad showed to us, the blessed ones,	The hero Kay-Qobād, from the seed of Fereydon,
a king with royal glory and youthful fortune	who possesses the royal glory and the mace, and (is instilled with) good judgement and sense of justice.

Again to quote Shaked, “[i]t seems to be taken for granted in the popular traditions of Iran that the mobads often had powers of predicting the future, performing difficult healing operations, and effecting miracles. There is no need to doubt that these stories are genuinely Persian, and not foreign imports.”²³

Several scholars explain the relative paucity of descriptions of the Magi as dream interpreters and diviners in Persian literature, compared to the

¹⁵ Sotion wrote between 200–150 B.C.E.

¹⁶ Diogenes Laertius, *Lives of Eminent Philosophers*, Prologue 1.7. See also Ito, “On Yasna 51:16,” 13.

¹⁷ See Markham J. Geller, “The Last Wedge,” *ZA* 87 (1997): 61–62; and Franz V. M. Cumont, *Die orientalischen Religionen im römischen Heidentum* (1910; reprint. Stuttgart: B. G. Teubner, 1975), 172. See also the discussion below.

¹⁸ *Lives of Eminent Philosophers*, Prologue 1.7.

¹⁹ *Ibid.*

²⁰ Shaked, *Dualism in Transition*, 86.

²¹ Djalal Khlaghi-Motlagh, ed., *The Shahnameh*, vol. I (New York: Bibliotheca Persica, 1988), 338, ll. 146–48.

²² Another striking episode, in which the Magi are represented as diviners in the *Šāhnāme*, takes place under the rule of the archetypal evildoer *Zahāk*, where the Magi, who have been summoned to elucidate *Zahāk*’s nightmare, portend the arrival of Fereydon, the king-hero, who would eventually put an end to *Zahāk*’s misrule, and reinstate the Iranian kingship. For this passage, *Šāhnāme* 5.72–102, see Djalal Khlaghi-Motlagh, vol. I, 59–61, ll. 72–102.

²³ Shaked, *Dualism in Transition*, 86–87.

verses that use the images in positive ways, lest other verses occur to them that use the images in negative ways, leading to unfortunate consequences. In *b.Berakhot* 55b, for example, a Babylonian rabbi²⁹ asserts that one who "saw a dream but does not know what he saw" should repeat a formula that will insure a favorable outcome to the dream. Also in *b.Berakhot* 55b, Shmuel neutralizes bad dreams by reciting the biblical verse "Dreams speak vanity" (*Zekh* 10:2), and encourages the fulfillment of good dreams by reciting the verse "Through a dream I will speak with him" (*Num* 12:6). Similarly, in *b.Berakhot* 56b R. Yehoshua ben Levi lists verses one should recite to insure a positive outcome to a dream, lest different verses come to mind and cause a negative outcome. Along these same lines, in *b.Shabbat* 11a³⁰ several later Babylonian rabbis refer to the practice of "dream-fasting," fasting in order to nullify a disturbing dream. Rav Yehoshua b.d'Rav Idi refuses food from his host, Rav Ashi, because he is dream-fasting, and cites Rav's opinion that "A fast is as effective on dreams as fire is on kindling." Rav Yosef even goes so far as to permit dream-fasting on the Sabbath.

In addition, R. Yohanan is purported to have said that one who sees a dream that causes him to feel depressed should go before three who "love him." The dreamer should say, "I saw a good dream," after which his loved ones should "solve" or "dissolve" the dream by repeating the following formula: "It is good and it will be good. The Merciful One [God] will turn it to good. Seven times it will be decreed from heaven that it will be good and it will be good."³¹ Once again, therefore, the Bavli equips people to handle disturbing dreams on their own and removes the need to go to the professional interpreter.

A statement attributed to Rav Hisda in *b.Berakhot* 58a-b, "A dream which is not solved (or "dissolved," or "interpreted")³² is like a letter which is not read," appears to be saying that it is necessary to have a dream attended to, perhaps by a professional, for just as an unread letter can have enormous consequences for its addressee, so too a dream is a message of potentially great or grave importance that the dreamer ignores at his own peril. The anonymous editors of the Bavli, however, understand Rav Hisda to be saying something quite different, namely that it is unnecessary to re-

²⁹ Either Amemar, Mar Zutra, or Rav Ashi.

³⁰ And *b.Ta'anit* 12b.

³¹ *B.Berakhot* 55b. See the continuation there, and A. Leo Oppenheim, "The Interpretation of Dreams in the Ancient Near East with a Translation of an Assyrian Dream-Book," *TAPS*, New Series 46, 3 (1956): 217-20 and 302. Oppenheim argued persuasively in his classic study of dreams in the ancient Near East that the roots *p-t-r* and *p-sh-r*, conventionally translated as "interpret," often mean "solve" or "dissolve." See also Kalmin, *Sages, Stories, Authors, and Editors*, 71-72.

³² See the previous note.

tioners or clients, and that the few who did²⁷ learned their lesson the hard way.

What is the evidence that Babylonian rabbis wanted to equip their audience with the tools to handle dreams on their own and to avoid patronizing professional dream interpreters? The extremely lengthy, remarkable polemic against Bar Hedyā depicts in lavish detail the horrible sufferings that await rabbis who consult unscrupulous dream interpreters.²⁸ Rava loses his wife and children and is made to look like a buffoon, and Abaye loses his life.

Since this is a rabbinic story, the rabbis ultimately prevail and the unscrupulous dream interpreter receives his comeuppance. Clearly, however, the storyteller wants us to believe that the price Rava pays prior to his belated victory in the end is much too high. The message of the story is not: Go to the professional dream interpreter but pay his fee, since even Abaye, who paid the fee from the outset, hardly emerges from the encounter unscathed. For when Rava finally pays the fee, Bar Hedyā interprets his dreams such that Abaye dies and his students flock to Rava. Rather, the message seems to be that one should have nothing to do with such a person, to avoid being victimized later on when someone else pays his fee and he sacrifices you to satisfy his new customer. Based on this story alone, it would be possible to say that the Bavli does not oppose professional dream interpreters per se, but only polemicizes against particularly unscrupulous practitioners of the trade. But taking account of the Bavli's portrayal of professional dream interpretation in general, it appears that the story is part of a wider condemnation.

As noted above, for example, with the exception of Bar Hedyā the Bavli never depicts Babylonian rabbis as professional dream interpreters. Elsewhere in the Talmud, Babylonian rabbis interpret only the explicit message dreams of their students, and in all but one case the explicit message consists of a verse from scripture. There is no hint that the Babylonian rabbis charge for their services, that they interpret the dreams of non-rabbis, or that they interpret symbolic dreams, the primary stock-in-trade of professional interpreters in the ancient world.

In addition, the Bavli describes in detail actions people should take or statements they should make when they experience troubling dreams, actions or statements that are designed to neutralize evil dreams or to transform them into harbingers of good. In addition, when people wake up with dream images in their minds, they are instructed to quickly think of biblical

²⁷ Only Abaye and Rava in the Bar Hedyā story.

²⁸ For earlier scholarly discussion of this story, see Isaac Afik, "Tefisat he-Halom Ezel Hazal" (Ph.D. diss., Bar-Ilan University, 1990); Kalmin, *Sages, Stories, Authors, and Editors*, 67–69; and Holger M. Zellentin, "Late Antiquity Upside-down: Rabbinic Parodies of Jewish and Christian Literature" (Ph. D. diss., Princeton University, 2007), 191–252. I thank Professor Zellentin for making his dissertation available to me prior to its deposit.

Albert de Jong characterizes sleep in the Zoroastrian tradition as "the situation in which the threat of evil activity in human life was at its greatest."³⁹ Similarly, James Russell writes:

The attitude of the Zoroastrians to sleep is ambiguous. Ahura Mazda in *Yasht* 19.20 is called *axvafna*- "sleepless," though he is the creator of both sleep and wakefulness ... and the latter part of the Pahlavi passage suggests sleep in this world is an evil thing impeding work. Here one perceives the intrusion of a different supernatural being associated with sleep: the demoness of sloth Bushyasta. Her name means, literally, "things to come"; and Nyberg suggested she was originally a goddess of dream divination.⁴⁰ One recalls that Zarathustra himself had his revelation *xvafna*- "in a dream" ... Of the demoness it is said in *Videvdāt* 18.16 ... "she puts to sleep ... the whole world."⁴¹

The Iranian context, therefore, may partially explain the extraordinary lengths to which Babylonian rabbis went in attempting to neutralize the anxiety caused by evil dreams. In addition to the evidence surveyed above, I have noted elsewhere that by far the great majority of dream interpretations listed in the Bavli's dream manual (b.Berakhot 56b-57b) are positive, to a significantly greater extent than appears to be the case in other dream manuals surviving from antiquity.⁴² The proportion of positive to negative interpretations is higher, furthermore, in statements attributed to Babylonian rabbis than in comparable statements attributed to Palestinian rabbis.⁴³

In evaluating the Talmudic evidence, it is important not to lose sight of the possible relevance of the Sumerian, Assyrian, and ancient Babylonian context for understanding late antique Babylonian Jewish culture. In his classic study of dreams in the ancient Near East, Oppenheim argues, based on the admittedly slender evidence preserved in Old Assyrian and Old Babylonian letters regarding daily life, that professional dream interpreters were of low social standing:⁴⁴

and often were women, who at the same time practiced necromancy. This is confirmed by the fact that in literary texts from Mesopotamia and Asia Minor, the inter-

³⁹ de Jong, *Traditions of the Magi*, 397.

⁴⁰ Henrik Samuel Nyberg, *Die Religionen des alten Iran* (1938; reprint. Osnabrück: O. Zeller, 1966), 108.

⁴¹ Russell, "'Sleep' and 'Dreaming' in Armenian," 153.

⁴² See Oppenheim, "Interpretation of Dreams," 245-95; and Artemidorus, *Oneirocritica*, ed. Roger Pack (Leipzig: B. G. Teubner, 1963). English translation: *Artemidorus: The Interpretation of Dreams*, trans. Robert J. White (Park Ridge, NJ: Noyes Press, 1975).

⁴³ In assessing this fact, it needs to be borne in mind that the dream manual is found only in the Bavli, and it may have taken on a Babylonian coloring. Even the interpretations attributed to Palestinian rabbis in the Bavli, however, exhibit a strong tendency to be positive. See Kalmin, *Sages, Stories, Authors, and Editors*, 75-77.

⁴⁴ Oppenheim, "Interpretation of Dreams," 186, 299, and 221-25; and *idem*, "Mantic Dreams in the Ancient Near East," in *The Dream and Human Societies*, eds. Gustave E. Von Grunebaum and Roger Caillois (Berkeley: University of California Press, 1966), 436-50.

move the evil consequences of a dream and that the best thing to do is to completely ignore it.³³

In addition, the Bavli's dream manual in Berakhot 56b-57b, which consists of a lengthy catalogue of dreams accompanied by their interpretations, seems designed to provide individual dreamers with the wherewithal to do without professionals. The Bavli in this context can be viewed as giving away trade secrets, publishing a dream manual so that rabbis have access to this knowledge and have no need to obtain it from experts. We find the same phenomenon elsewhere in rabbinic literature, for example in the case of medical cures. In one story in y.Avodah Zarah 2:2 (40d), for example, R. Yohanan dupes a doctor into revealing to him the secret formula of a cure. He publicizes the cure in the study house the next day, prompting the doctor to hang herself because R. Yohanan, by revealing the cure, has put her out of business.³⁴ While this story is preserved in the Yerushalmi, a parallel narrative in the Bavli also depicts R. Yohanan publicizing a doctor's cure against her explicit instructions.³⁵ In addition, we find lists of medical cures scattered throughout the Talmud,³⁶ which perhaps serve in part as attempts by the rabbis to challenge competing claimants to communal leadership in Jewish Babylonia.

Other stories depict the same kind of competition between a rabbi and a potentially, or actually, powerful group in Jewish society. Two stories depict Shmuel threatening to reveal how craftsmen make their products, thereby jeopardizing their livelihood, unless they behave in a manner acceptable to the rabbi.³⁷ In still another context the rabbis threaten to reveal the genealogical blemishes of aristocratic non-rabbis, and one story portrays a rabbi revealing the slave status of Jews claiming Hasmonean descent as slaves, in retaliation for the attempt of one self-proclaimed "Hasmonean" to humiliate a rabbi.³⁸ It is uncertain whether the rabbis actually did all of these things or they simply wanted to portray themselves as a force to be reckoned with, but for my present purposes this uncertainty makes no difference.

³³ Afik, *Tefisat he-Halom*, 28, claims that the reality presupposed by the Talmud is the Roman law that a letter from the Emperor did not have to be obeyed until it was read in public. Nowhere does Rav Hisda state, however, that he refers specifically to a letter by the Emperor, or to the promulgation of a law.

³⁴ According to an alternative version of the story's conclusion in the Yerushalmi, interestingly, the doctor converts to Judaism. Apparently, this alternative version understands her instructions to R. Yohanan to keep the cure a secret as part of the requirements for the cure. When R. Yohanan publicizes the cure and doesn't die, she is so impressed that she understands the great power of the Jewish people, which induces her to convert.

³⁵ B. Avodah Zarah 28a.

³⁶ See, for example, b. Gittin 69b.

³⁷ See b. Pesahim 30a (Shmuel) and b. Sukkah 34b (Shmuel).

³⁸ See Richard Kalmin, *The Sage in Jewish Society of Late Antiquity* (London: Routledge, 1999), 52-54 and 61-67.

evidence is far from overwhelming, for Babylonian rabbis have little to say about Magi, but what they do say is uniformly hostile or disparaging. Most significant for my purposes is a statement attributed to Rav in b.Shabbat 75a that "He who learns a single thing from a Magian is worthy of death," a strikingly harsh formulation, perhaps implying that some rabbis did learn things from Magians. Also relevant is b.Sotah 22a, according to which Rav Nahman bar Yizhak approvingly cites a popular proverb:⁵⁰ "This is as people say: 'The Magi murmurs and doesn't understand what he is saying,'" which is probably, as has been noted by others, a contemptuous reference to the practice of Zoroastrian priests to murmur passages from the Avesta that they no longer understood.⁵¹ Rav Nahman bar Yizhak compares Magi to Tannaim, rabbinic idiosavants whose job it was to memorize traditions and to parrot them back upon request. Rav Nahman bar Yizhak does not threaten people with death, but instead discourages rabbis from consulting Magi by asserting that the Magi, like the Tanna, has nothing worthwhile to teach.⁵²

In any event, we see that Babylonian rabbis strongly opposed rabbinic contact with Magi, and we argued above that they did the same with dream interpreters. It is within the realm of possibility that these two facts are connected, and part of what rabbis found distasteful about Magi was their role, or reputation, as dream interpreters.

B.Sanhedrin 39a records what purports to be a religious disputation between a Babylonian rabbi and a Magian priest:

A certain Magian said to Amemar, "From your middle upwards belongs to Hormiz, and from your middle downward belongs to Ahormiz." [Amemar] said to [the Magian], "If so, how does Ahormiz permit Hormiz to send water through his territory?"

While the names of the Iranian divinities are corrupt,⁵³ the debate clearly centers around what Jews considered to be the false Zoroastrian conception of dualism, and also, in all likelihood, the Zoroastrian practice of dividing the pure upper parts of the body from the impure lower parts by a belt known as a *kustig*.⁵⁴ While the debate is clearly stylized to portray the rabbi

⁵⁰ A systematic study of the introductory formula, "This is as people say," is a desideratum.

⁵¹ See Jonas Greenfield, "Ratin Magosha," in *Joshua Finkel Festschrift*, eds. Sidney B. Hoenig and Leon D. Stitskin (New York: Yeshiva University, 1974), 63–69; Eliezer S. Rosenthal, "Le-Milon ha-Talmudi," in *Irano-Judaica*, vol. 1, 72–73, n. 23 and Russell, "The Epic of the Pearl," *Revue des Études Arméniennes* 28 (2001–2002): 79–80, n. 80.

⁵² For other Talmudic statements critical of Magi, see b.Shabbat 75a (two; Rav and Shmuel); b.Shabbat 139a (= b.Sanhedrin 98a) (Rav Papa); b.Mo'ed Katan 18a (Avitav Saffra in the name of Rav [or Rav Papa]); and b.Baba Batra 55a (Abaye).

⁵³ See also Rafael Rabinovicz, ed. *Diqduqei Soferim*, 12 vols. (Munich: Heinrich Roesl, 1868–86), n. *zayin*.

⁵⁴ Eli Ahdut, "Ha-Polmos ha-Yehudi-Zoroastri ba-Talmud ha-Bavli," in *Irano-Judaica*, vol. 4, 27–28.

pretation of dreams was sometimes done by women. Conversely, the royal correspondence found in the archives of the last Assyrian capital shows that at the Assyrian court, where diviners, soothsayers, physicians, and exorcists were abundantly represented and played an important role, the interpreter of dreams was absent.⁴⁵

Along the same lines, Oppenheim states:

Throughout the entire known development of organized religious life in Mesopotamia, there were very few references to what one would term professional interpreters of dreams who had any priestly or even social standing.⁴⁶

Oppenheim observes elsewhere, however, that in Assyria

[t]hrough many centuries, the interpretation of dreams was considered the highest and the typical achievement of Egyptian divination techniques, just as, later, astrology was internationally recognized as the Chaldaean art. In Assyria, the mantic importance of dream interpretation was recognized ...⁴⁷ but the techniques and the qualifications of the native oneirocritics weren't considered adequate. Interpreters of dreams had to come from Egypt to be considered acceptable.⁴⁸

Oppenheim also makes the important point that:

In contrast with Assyria of the Sargonic period (7th century BC) Babylonian interpreters of dreams were apparently highly specialized, if we can rely on a passage in Daniel 1:17, where Daniel is described as "understanding all (kinds of) visions and dreams."

Since the evidence supplied by the dream literature is equivocal, therefore, it is not possible to explain Babylonian rabbinic attitudes as representing the survival of more ancient Mesopotamian attitudes. Also, as already noted, Palestinian rabbis tended to be favorably disposed toward dream interpreters, and the Bible on the one hand values the dream interpreters Joseph and Daniel, but on the other hand it places the will of God above the ability of any mantic to foretell the future.⁴⁹ Clearly Babylonian rabbinic attitudes are not reducible to any single cause; a variety of factors most plausibly played a role.

Having surveyed the evidence that (1) the Magi were dream interpreters, and (2) that Babylonian rabbis were strongly opposed to professional dream interpretation, it will be interesting to examine Babylonian rabbinic attitudes toward Magi, to test our theory that these phenomena may be related. The

⁴⁵ Oppenheim, "Mantic Dreams," 350.

⁴⁶ *Idem*, "Interpretation of Dreams," 200.

⁴⁷ *Ibid.*, 238, adds the qualifier "to a certain extent," but the evidence he cites does not justify it.

⁴⁸ See, for example, *ibid.*, 238–39 and 210–21.

⁴⁹ See, for example, Isa 47:13–14: "Let them stand up and help you now, the scanners of heaven, the star-gazers, who announce, month by month, whatever will come upon you. See, they are become like straw, fire consumes them; they cannot save themselves from the power of the flame."

did consult astrologers, whether we understand the astrologers as Magi or not.⁵⁹

The Bavli's record of a dialogue between Shmuel and Avlat will exemplify this claim.⁶⁰ Our analysis will reveal that the story depicting Shmuel's interaction with Avlat, the astrologer, somewhat paradoxically, makes the case that Jews have no need to consult astrologers:

- (1) Also from the incident involving Shmuel [we learn] that the stars have no influence over Israel, for⁶¹
- (2) Shmuel and Avlat were sitting, and some people were going to the marsh.
- (2a) Avlat said to Shmuel, "This man is going but he will not return."
- (2b) Shmuel said to [Avlat], "If he is an Israelite he will go and return."⁶²
- (2c) As they sat, [the man] went and returned. Avlat stood up and removed [the man's] burden. He found in it a snake that was cut and thrown in two pieces.
- (2d) Shmuel said to [the man], "What have you done?" [i.e., what good deed have you done to merit your life being spared?]
- (2e) [The man] said to [Shmuel], "Every day we used to throw the loaves together [for a common meal] and eat. Today there was one with us who did not have

⁵⁹ See also de Jong, "Zoroastrian Religious Polemics and Their Contexts: Interconfessional Relations in the Sasanian Empire," in *Religious Polemics in Context*, eds. Theo L. Hettner and Arie Van Der Kooij (Assen: Van Gorcum, 2004), 59–60, and the references cited in n. 51 on page 60.

⁶⁰ Geller, "The Last Wedge," 57, n. 55, claims that the name Avlat is Akkadian and that Avlat is a traditional pagan Babylonian priest. See also b.Berakhot 58b, for Shmuel's famous statement that "The courses of the heavens are as familiar to me as the streets of Ne-hardea." Shmuel's statement is generally taken, correctly it seems to me, as evidence of his purported expertise in astrology. A reference in b.Baba Mezia 85b, however, to Shmuel Yarhina'ah (possibly from the Hebrew *yare'ah*, meaning "moon"), is probably not a reference to the same Shmuel's astrological expertise (compare Geller, "The Last Wedge," 56, n. 54). Shmuel Yarhina'ah is described as the "doctor of Rabbi [Yehudah Hanasi]," the patriarch in Palestine, and there is no other evidence that the Babylonian Shmuel visited Palestine, let alone stayed there for an extended period of time. In addition, Geller is probably incorrect when he claims (56–57) that Rav's statement, "He who learns a single thing from a Magian is worthy of death," is a response to the action of his younger contemporary, Shmuel, since the Talmudic discussions generally follow strict chronological rules. Pseudepigraphy, however, cannot be ruled out, such that it is possible that later editors attributed the prohibition of consulting magi to Rav, and intended it in fact as a response to Shmuel's dialogues with Avlat.

⁶¹ Part 1 is an introduction to the story supplied by anonymous editors rather than part of the story itself. See the discussion below.

⁶² *Diqduqei Soferim*, ed. Rabinovicz, n. *het*, notes that there are versions of the text that record Shmuel responding simply, "He will go and return." This does not appear to be a significant variant, however, since if Shmuel does not know the man is Jewish, and also does not know what good deeds he has done (as indicated by his question later on in the story: "What have you done?"), then why is he sure that the man will return, and how does the story prove that the stars have no influence over Israel? Even without the words, "If he is an Israelite," therefore, it appears we must assume that Shmuel knows that the man is a Jew. It also bears mentioning that ms. Oxford-Bodl. heb. d. 21 (2676), 5, reads "If he is a Jew, the matter does not depend on the stars but on merit." This reading is clearly an attempt to square the two halves of the story and to turn it into a coherent, flowing narrative.

as the undisputed victor and the reality behind the story, if there is any, was undoubtedly more complicated, it is at least within the realm of possibility that debates between rabbis and Magi did sometimes take place.⁵⁵ The narrative as it is currently formulated is intended for internal consumption, i.e., to make the rabbinic audience of the tale more secure about the superiority of rabbinic beliefs, but the author(s) of the story may have drawn upon personal experience in depicting a disputation between a rabbi and a Zoroastrian priest. To this Talmudic source we can add accounts in Persian literature that depict disputations between Jews and Magi.⁵⁶

Rabbinic attitudes toward astrologers are also relevant in this context, since (1) Babylonian rabbis also discouraged contact with astrologers; and (2) there is evidence that Magi also functioned as astrologers, particularly in Babylonia.

We find the rabbis forbidding contact with astrologers in b.Pesahim 113b:

Said Rabbah bar bar Hanah said Rav Shmuel bar Marta said Rav in the name of R. Yosi Ish Huzal, 'From where [in scripture] do we know that it is forbidden to consult Chaldaeans [i.e., astrologers]? As it is said, You shall be wholehearted with the Lord your God' (Deut 18:13).

Once again we see the rabbis discouraging contact with non-rabbinic religious specialists. If we trust the reports of observers outside of Iran as well as some reports in Iranian literature (see above), some of these Chaldaeans were Persian priests. Modern scholars note that the terms "Magian" and "Chaldaean" are interchangeable in the writings of many ancient authors, and that diverse kinds of diviners of numerous nationalities and ethnicities were referred to as "Magi."⁵⁷ Chaldaeans, like Magi, had technical expertise that made them sought after by an international clientele. As such, they were a threat to Babylonian rabbis, who, as noted above, considered themselves uniquely qualified to lead the Jewish community. The rabbis responded to the threat of the Chaldaeans as they responded to the threat of the Magians, by forbidding rabbis to patronize them.⁵⁸ And as we observed above in the case of the Magi, there is every reason to believe that at least some rabbis

⁵⁵ Compare Ahdut, *ibid.*, who assumes the Talmudic story reflects historical reality.

⁵⁶ See Jean Pierre de Menasce, "Jews and Judaism in the Third Book of the Denkart," in *K. R. Cama Oriental Institute Golden Jubilee Volume* (Bombay: K. R. Cama Oriental Institute, 1969), 45–48; Ahdut, "Ha-Polmos ha-Yehudi-Zoroastri," 23–26. See also *ibid.*, 32–33, n. 69; and Shaked, "Zoroastrian Polemics Against Jews," in *Irano-Judaica*, vol. 2, 85–104, for other Zoroastrian accounts of disputations between Jews and other religious groups in Iran.

⁵⁷ See Geller, "The Last Wedge," 60–62.

⁵⁸ Since the Babylonian Talmud is literature by rabbis and for rabbis, the prohibition is addressed to rabbis.

cause they both involve astrologers. It is more likely, however, that the editor intended the second story to serve as commentary to the first. The message of the two stories stitched together seems to be that it is not true that the stars have no power over Jews, but only that the stars have no power over a Jew who does righteous deeds. According to this interpretation, the Babylonian editor who combined the two stories preserved intact, but neutralized, the first story by linking it to the second.

This conclusion explains other anomalous features of the narrative as well. The second half of the narrative, parts 2d-g, depicts Shmuel casually conversing with the Jew who performed the good deed, and this Jew is apparently not a rabbi. In addition, the second half of the narrative also attributes a great deal of importance to mitzvot other than Torah study (the exclusive domain of rabbis), and values mitzvot that can be performed by non-scholars as well, such as giving charity to the poor and preserving one's fellow from embarrassment. As I have argued elsewhere, both of these motifs are characteristic of statements by and stories involving Palestinian Amoraim,⁶⁶ but virtually non-existent in statements by and stories about Babylonian rabbis prior to the mid-fourth century. It is unexpected, therefore, to encounter a story depicting Shmuel, an early Babylonian Amora, (1) casually conversing with a non-rabbi from whom he can anticipate no social or material benefit; and (2) depicted as the protagonist of a story that values mitzvot other than Torah study. According to our conclusions above, a later Babylonian editor has taken a story deriving from Palestine and has appended it to a story about Shmuel and Avlat, creating the impression that it is a seamless whole about an early Babylonian rabbi.⁶⁷

In any event, the first story, even linked as it presently is to the second story, removes the need for rabbis to consult astrologers. A rabbi, the story teaches, is unaffected by the stars, either by virtue of being a Jew (the first story alone), or by virtue of being a Jew who fulfills the commandments.

Holger Zellentin argues persuasively that we find a similar combination of two stories with diverse messages in a narrative involving a dream interpreter, also resulting in incongruities that may be explicable as an attempt by a later editor to preserve earlier traditions while altering their meaning.⁶⁸ The earlier stories, which derive from Palestine, depict Palestinian rabbis as

⁶⁶ And Babylonian Amoraim of the mid-fourth century and later. See Kalmin, *Jewish Babylonia Between Persia and Roman Palestine* (New York: Oxford University Press, 2006), 178–86.

⁶⁷ The anonymous editors introduce this story into its present context with the words: "Also from the incident involving Shmuel [we learn] that the planets have no influence over Israel." These anonymous editors evidently understand this phrase to mean that the stars have no influence over Israel when Israelites behave meritoriously. A story involving R. Akiba immediately follows with the same introduction, and it delivers the same message.

⁶⁸ See Zellentin, *Late Antiquity Upside-Down*, 237–41.

bread with him, and he was ashamed. I said to my colleagues, 'I shall get up and throw the bread for him.' When I came to his place, I pretended to take [it] from him so that he would not be ashamed."⁶³

(2f) [Shmuel] said to [the man], "You have done a mitzvah."

(2g) Shmuel went out and expounded scripture. "'Righteousness saves from death' (Prov 11:4), and not [merely] from an unusual death but from death itself."

The story as it presently stands is anomalous, and it encapsulates nicely features of Babylonian rabbinic ambivalence or confusion about how to behave vis-à-vis astrology. The first part of the story, up to and including part 2c, clearly illustrates the point that "the stars have no influence over Israel," as the anonymous editors say explicitly in a brief introduction to the story (part 1). The second part of the story, however (parts 2d-2g), undercuts this point, since the explicit message of the second part is that the man who went to the marsh averted his fate not because he was Jewish, but because he was righteous and performed a mitzvah.

It is possible that this narrative is a combination of two stories whose messages are in tension with one another. The second story is partially paralleled in y. Shabbat 6:9 (8d), where we find:

(1) Two students of R. Hanina went out to cut wood. A certain astrologer saw them.

(1a) [The astrologer] said, "Those two will go out but not return."

(1b) When they went out they came upon a certain old man.

(1c) [The old man] said to them, "Give me charity, for it has been three days since I have tasted anything."

(1d) They had a loaf. They cut it in half and gave it to him. He ate and prayed for them.

(1e) He said to them, "May your lives be preserved this day just as you have preserved my life for me this day."

(1f) They went out safely and came back safely.

(1g) There were people there who heard what the astrologer said.⁶⁴

(1h) They said to him, "Did you not say, 'Those two will go out but not return?'"

(1i) He said, "Either I am lying or my astrology is false."

(1j) Even so, they went and searched and found the snake, half in this one's load, and half in the other's load.

(1k) They said to them, "What good deed have you done this day?"

(1l) And they told them the story.

(1m) [The astrologer] said, "What was I to do?"⁶⁵ The God of the Jews is placated with half a loaf!"

It is possible that a Babylonian editor awkwardly combined the two stories, unmindful of or unconcerned about the tension between them, simply be-

⁶³ See Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat-Gan: Bar-Ilan University Press; Baltimore: The Johns Hopkins University Press, 2002), 1087-88.

⁶⁴ Literally, "they heard his voice."

⁶⁵ Literally, "What was that man to do?" The text employs the third person as a circumlocution.

Here as well we are dealing with a single lengthy narrative that is an awkward combination of more than one story. Parts 1-11 form a lengthy catalogue of dream reports by the heretic, to which the rabbi, apparently a professional dream interpreter, responds with a series of interpretations that reveal hideous truths about the heretic. This dialogue is paralleled in *y.Ma'aser Sheni* 4:12 (55b-c), where we find thirteen cases that appear to be thirteen independent stories about rabbis interpreting the symbolic dreams of non-rabbis. In the *Yerushalmi*, the rabbis' roles as professional dream interpreters is even clearer than in the *Bavli*, since one story favorably depicts a rabbi refusing to interpret a dream until he receives payment for his services.⁷⁵ When the payment is not forthcoming, he sees to it, through his interpretation, that his delinquent client suffers monetary loss.

The second part of the story in the *Bavli*, however, which records the heretic's dream that his father left him money in Cappadocia (part 1m-q), is an independent narrative in the *Yerushalmi* and in *Bereshit Rabbah*.⁷⁶ This tradition makes perfect sense as an independent tradition, constituting a simple tale of a wise rabbi who successfully interprets an enigmatic dream. In the *Bavli*, however, it is problematic, since immediately after the lengthy recital of the heretic's abominable crimes, the rabbinic dream interpreter rewards him by enabling him to recover his father's inheritance. Once again, either we are dealing with an extremely sloppy job of editing, or the Babylonian editor has stitched together independent traditions to preserve them but undermine their meaning. He has taken several traditions that favorably portray rabbis as dream interpreters, yielding a single story dramatizing the terrible things that happen when rabbis serve in this capacity.

This paper has argued that the Greek, Roman, Iranian, and Armenian evidence of the role of the Magi as dream interpreters helps us begin to explain perplexing features of the Babylonian Talmud's attitudes toward professional dream interpreters. The rabbis who were the dominant force behind the transmission and editing of the Babylonian Talmud were strongly opposed to professional dream interpretation, perhaps because they wished to differentiate themselves from Magi and because they wished to minimize the influence these religious virtuosi had over Babylonian Jews. We suggested that the Babylonian rabbinic response to the competition and threat posed by the Magi was the same as their response to other potentially or actually powerful groups, both within the Babylonian Jewish community and without.

⁷⁵ Nine of the thirteen involve R. Yishmael b'R. Yosi, the protagonist in the *Bavli*'s account; two involve R. Yosi ben Halaftha, one involves R. Eliezer, and one involves R. Akiba. See the parallels in *Eikhah Rabbah* 1:1:16 (compare Solomon Buber's edition of *Eikhah Rabbah*, 54) and *Bereshit Rabba*, ed. Theodor/Albeck, 1095-96.

⁷⁶ See *y.Ma'aser Sheni* 4:12 (53b-c) and *Bereshit Rabba* 68:12, ed. Theodor/Albeck, 784-85.

professional dream interpreters, but a Babylonian editor, hostile to professional dream interpretation, perhaps combines them in a way that changes their message.

I refer to a lengthy narrative in b.Berakhot 56b. which depicts R. Yishmael b'R. Yosi, a Palestinian Tanna, interpreting several dreams reported to him by a heretic (mina).⁶⁹

- (1) A certain heretic said to R. Yishmael b'R. Yosi, "I saw myself pouring oil into olives." He said to [the heretic], "You had sex with your mother."⁷⁰
- (1a) [The heretic] said to him, "I saw myself plucking a star." He said to [the heretic], "You stole from an Israelite."
- (1b) [The heretic] said to him, "I saw myself swallowing a star." He said to [the heretic], "You sold an Israelite and consumed the profits."
- (1c) [The heretic] said to him, "I saw my eyes kissing one another." He said to [the heretic], "You had sex with your sister."⁷¹
- (1d) [The heretic] said to him, "I saw myself kissing the moon." He said to [the heretic], "You had sex with an Israelite's wife."⁷²
- (1e) [The heretic] said to him, "I saw that they had bound me with a rope of myrtles."⁷³ He said to [the heretic], "You had sex with a betrothed maiden."⁷⁴
- (1f) [The heretic] said to him, "I saw a rope above me and also below me." He said to [the heretic], "You have intercourse upside-down."
- (1g) [The heretic] said to him, "I saw crows returning to my bed." He said to [the heretic], "Your wife has whored with many men."
- (1h) [The heretic] said to him, "I saw doves returning to my bed." He said to [the heretic], "You have defiled many women."
- (1i) [The heretic] said to him, "I saw myself holding two doves and they flew away." He said to [the heretic], "You married two women and sent them away without a writ of divorce."
- (1j) [The heretic] said to him, "I saw myself peeling eggs." He said to [the heretic], "You have stripped the dead [of their clothes]."
- (1k) [The heretic] said to him, "I have done everything except for that, which I have not done."
- (1l) In the meantime, a woman came and said to [the heretic], "The cloak you are wearing belongs to So-and-so, who died and you stripped him."
- (1m) [The heretic] said to him, "I saw that they said to me, 'Your father left you possessions in Cappadocia.'"
- (1n) He said to [the heretic], "Do you have possessions in Cappadocia?" [The heretic] said to him, "No."
- (1o) He said to [the heretic], "Did your father ever go to Cappadocia?" [The heretic] said to him, "No."
- (1p) [He said to the heretic], "If so, kappa is "beam," deka is "ten." Go and check the tenth beam, which is full of money."
- (1q) [The heretic] went and found that it was full of money.

⁶⁹ See *Diqduqei Soferim*, ed. Rabinovicz, n. vav.

⁷⁰ Literally, "He had sex with his mother." The text employs a circumlocution to avoid negative speech, although it does not do so consistently. See below.

⁷¹ Literally, "He had sex with his sister." See the previous note.

⁷² See n. 65 above.

⁷³ See Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 107.

⁷⁴ See n. 65 above.

lonian Talmud also shows remarkable traces of Iranian law, the full impact of which still has to be studied, despite the pioneer work in this area of the last few years.⁴ But although we are still in the beginning, we may already maintain, that the question no longer is, whether Sasanian law was known or discussed by the rabbis, but rather *to which extent* it was adapted consciously or unconsciously and played a part in the formation of rabbinic law and certain rulings transmitted in the Talmud.

Because of the methodological problems involved in every comparison of two cultures it seems best to concentrate on discussing cases in which either Iranian legal terminology is attested or the allusion to Sasanian law is completely clear beyond any reasonable doubt. I will confine myself in this paper to cases I have already studied extensively in detail elsewhere, and focus on the question, whether we may reach any reasonable conclusions on the impact of Sasanian law on Talmudic jurisprudence. The use of Sasanian legal terminology places us, of course, methodologically, on solid ground, since technical expressions in Middle Persian point explicitly to Iranian law and could hardly have been adapted unconsciously without knowledge of their meaning in a legal context. On the contrary, we have reason to assume, that these Iranian terms were not only understood approximately, but employed with full knowledge of their exact legal implications. On the other hand, we can by no means exclude the possibility that certain legal norms entered Jewish law and were assimilated, leaving no outward trace of their Iranian origin. Translations of Iranian legal expressions are also attested. The problem is well-known especially from Syriac and Arabic sources on the Sasanian empire, in which technical terms are often only preserved in the original when they could not be rendered conveniently in the language of the translator.⁵ In all these instances we will have to ask, how far Sa-

⁴ Elman, "Marriage and Marital Property in Rabbinic and Sasanian Law"; *idem*, "'Up to the Ears' in Horses' Necks"; *idem*, "Returnable Gifts in Rabbinic and Sasanian Law"; *idem*, "Middle Persian Culture and Babylonian Sages"; Maria Macuch, "Iranian Legal Terminology in the Babylonian Talmud in the Light of Sasanian Jurisprudence," in *Irano-Judaica*, vol. 4, eds. Shaked and Netzer (Jerusalem: Ben-Zvi Institute, 1999), 91–101; *eadem*, "The Talmudic Expression 'Servant of the Fire' in the Light of Pahlavi Legal Sources," in *Studies in Honour of Shaul Shaked*, Jerusalem Studies in Arabic and Islam 26 (Jerusalem: Magnes Press, 2002), 109–29; *eadem*, "An Iranian Legal Term in the Babylonian Talmud and in Sasanian Jurisprudence: *dastwar(ih)*," in *Irano-Judaica*, vol. 6, ed. Shaked (Jerusalem: Ben Zvi Institute, 2008), 126–38; *eadem*, "Substance and Fruit in the Sasanian Law of Property and the Babylonian Talmud," in *Proceedings of the Conference on "Talmudic Archaeology" University College London, June 22–24, 2009* (forthcoming).

⁵ See for example the terminology in Jesubōxt's Syriac Corpus Iuris, a legal text based on Zoroastrian jurisprudence, written originally in Middle Persian in the eighth century for the Christian community in Pārs, which has only survived in a Syriac translation. On the Pahlavi legal terminology left untranslated in the Syriac version, see Jean Pierre de Menasce, "Some Pahlavi Words in the Original and in the Syriac Translation of Iṣḥōxt's Corpus Iuris," in *Dr. J. M. Unvala Memorial Volume* (Bombay: Kanga, 1964), 6–11 (re-

Allusions to Sasanian Law in the Babylonian Talmud

MARIA MACUCH

The cultural environment in which the Babylonian Talmud came into being in the course of Iranian rule in Mesopotamia has been subject to scrutiny in a number of illuminating studies in the past few years, which convey a different picture of Jewish-Iranian cross-relations than the general conclusions reached by Jacob Neusner almost four decades ago in his voluminous work on the history of the Jews in Babylonia.¹ Contrary to Neusner's assumption, that "... the doctrines of competing cults made no impact whatever upon those of the Judaism known to us from the Talmud and cognate literature,"² it seems that Iranian mores played an important part in various areas of Babylonian rabbinic culture in general, and also in the development of the Babylonian Talmud. As especially Yaakov Elman has shown in a veritable flood of comparative studies in the past few years, based on recent research in the field of Iranian Studies, Iranian theology, purity laws, and religious doctrine show many striking parallels to rabbinic thought that cannot be explained away by mere coincidence.³ In the field of jurisprudence, the Baby-

¹ Jacob Neusner, *A History of the Jews in Babylonia*, vols. 1–5 (Leiden: Brill, 1965–1970).

² *Ibid.*, vol. 2 (1966), 75–76.

³ For published articles of Yaakov Elman, see "Marriage and Marital Property in Rabbinic and Sasanian Law," in *Rabbinic Law in its Roman and Near Eastern Context*, ed. Catherine Hezser, Texts and Studies in Ancient Judaism 97 (Tübingen: Mohr Siebeck, 2003), 227–77; *idem*, "'Up to the Ears' in Horses' Necks: On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *JSIJ* 3 (2004): 95–149; *idem*, "Acculturation to Elite Persian Norms in the Babylonian Jewish Community of Late Antiquity," in *Neti'ot le-David: Jubilee Volume for David Weiss Halivni*, eds. Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot Press, 2004), 31–56; *idem*, "He in His Cloak and She in Her Cloak": Conflicting Images of Sexuality in Sasanian Mesopotamia," in *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism*, ed. Rivka Ulmer (Lanham, MD: University Press of America, 2007), 129–64; *idem*, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition," in *Cambridge Companion to the Talmud and Rabbinic Literature*, eds. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge and New York: Cambridge University Press, 2007), 165–97; *idem*, "Who are the Kings of the East and the West in Ber 7A? Roman Religion, Syrian Gods, and Zoroastrianism in the Babylonian Talmud," in *Judaism in the Ancient World*, ed. B. Bar-Kochba, forthcoming; and *idem*, "Returnable Gifts in Rabbinic and Sasanian Law," in *Irano-Judaica*, vol. 6, ed. Shaked (Jerusalem: Ben Zvi Institute, 2008), 139–84.

- (2) expressions from the daily vernacular of the Sasanian period, which were precisely defined in a legal context by jurists and usually used in legal texts in this restricted and exactly defined sense;⁸
- (3) technical terms derived from the daily practice of the courts.⁹

As far as I can see there are no Iranian expressions in the Talmud belonging to the first category (that is, terms from the Avesta and Zand), which is exactly what we would expect, since these are far too near to religious law to have been acceptable to the Jews. Besides, these expressions date from a period in which religion and law were not yet separated into different disciplines and the latter was restricted to simple regulations lacking the legal sophistication of Sasanian jurisprudence. In the course of Sasanian rule, law gradually developed into an independent discipline, still based on religion, but clearly distinguished from pure theology, forming its own technical terminology. The Talmud makes use of this legal vocabulary from the second and third sources mentioned above, which – as I would like to argue – is not necessarily linked to Zoroastrian theology or religious law, but is the product of a long history of juridical theory and legal practice. This terminology was formed because of the same reasons as in all other legal systems up to this day – in order to avoid lengthy explanations on the one hand, and to minimize misunderstandings and ambiguities on the other. It is highly technical and can be only understood correctly with a background of legal training and exact knowledge of the legal concept behind the different fields of law.

Iranian technical loanwords in the Talmud are restricted to the two latter categories named above. Of these it is far easier to discern the exact legal meaning of terms taken from the practice of Sasanian courts than of legal expressions formed from the daily vernacular, since the latter could have been used with different connotations in the Talmud. Expressions of the third category are easier to determine, since none of these precisely defined terms could be used without exact knowledge of Sasanian court procedure. Furthermore, the fact that none of these words needed to be explained indicates that the rabbis were well acquainted with the professional jargon of Iranian jurists and used the same terms in order to express themselves

⁸ The expression *mad ud rasēd*, lit., “(property that) has come and shall be attained,” is an example for a technical term derived from spoken language, which in its legal sense is comparable to the *bona adventitia* of classical Roman law. It designates every kind of surplus income (*bar*) of a family, which does not initially belong to the category of property inherited from the forefathers (called *abarmānd*). For attestations, see Macuch, *Rechtsskasuistik und Gerichtspraxis*, 718.

⁹ The word *kardag*, lit., “(legal) practice,” for example, refers specifically to a procedure in court which diverged from theoretical considerations and hence did not strictly follow the acknowledged “doctrine” or theoretical “teaching,” called *ēāstag*, of theologians, jurists and legal authorities. For attestations, see Macuch, *Rechtsskasuistik und Gerichtspraxis*, 717–18.

sanian law was accepted, whether legal concepts were adapted with full knowledge of their implications and whether these were the same as in Iranian law or subject to another interpretation based on rabbinic law. Moreover, were Iranian *termini technici* used solely or predominantly in a context dealing with non-Jews, Persians, and other heathens, or were they integrated into Talmudic law? As we shall see, there is no simple answer to these questions, since the cases referring to Sasanian law and its terminology are not only complicated, but also belong to different fields of jurisprudence, and will have to be evaluated individually.

Allusions to Sasanian law are abundant in the Talmud and by no means restricted to passages with Iranian legal terminology in the original, although these are most interesting because of the exact conclusions we may draw from them regarding rabbinic knowledge of Iranian jurisprudence. Direct reference to Sasanian law is also discernible in such expressions as "servant of the fire" ('*bd' d-nwr*', *Nedarim* 62b) or "estate of slaves" (*dsqrt' d-bdy*, *Gittin* 40a), both translations of Iranian terms referring to well-known legal concepts, which I will discuss later.

As to Iranian terms in the original, we may, first of all, detect that no expressions are attested in the Talmud from one of the important sources of Sasanian law. As I have tried to show elsewhere,⁶ Middle Persian legal terms may be traced back to three major sources, which are:

- (1) words and phrases taken from the Zoroastrian Holy Scripture, the Avesta, or its Pahlavi translation and commentary, the Zand;⁷

printed in *Études Iraniennes*, *Studia Iranica* – Cahier 3, [Paris: L'Association pour l'Avancement des Études Iraniennes, 1985]: 119–24); Macuch, "Ein mittelpersischer *terminus technicus* im syrischen Rechtskodex des Iš'ōbōht und im sasanidischen Rechtsbuch," in *Studia Semitica necnon Iranica Rudolpho Macuch septuagenario ab amicis et discipulis dedicata*, eds. Maria Macuch, Christa Müller-Kessler, and Bert Fagner (Wiesbaden: Harrassowitz, 1989), 149–60; *eadem*, "A Pahlavi Legal Term in Jesubox's Corpus Iuris: *wehdādestān(īh)*," in *Irano-Judaica*, vol. 7 (forthcoming).

⁶ Macuch, "On Middle Persian Legal Terminology," in *Middle Iranian Lexicography: Proceedings of the Conference Held in Rome, 9–11 April 2001*, eds. Carlo G. Cereti and Mauro Maggi (Roma: Istituto Italiano per l'Africa e l'Oriente, 2005), 375–86.

⁷ An example is the Avestan phrase *yō hē pasčāēta* "who [succeeds] him afterwards," which is attested in the context of succession and inheritance as a technical term denoting the "legal successor" of a person, regardless of the form of succession or category of inheritance; see Macuch, "Inheritance: i. Sasanian Period," in *EI* 13 (2005): 125–31. For attestations, see Macuch, *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farroḫmard ī Wahrāmān*, *Iranica* 1 (Wiesbaden: Harrassowitz, 1993), 739.

written in civil cases, including the statements of the conflicting parties, or *yazišn-nāmag* "record of recitation," a transcript of the whole procedure of oath-taking.¹⁵ The term *pursišn-nāmag* designates a court transcript or protocol written in criminal cases, at the end of which the sentence was recorded.¹⁶ In *Giṭṭin* 28b the expression is used correctly in the context of criminal law with respect to a person sentenced to death, indicating that the rabbis were not only faintly acquainted with Sasanian law, but that they knew the details of court proceedings exactly and used Iranian legal terminology with full knowledge of its implications. However, since the context involves a sentence pronounced in a worldly (i.e., Sasanian) court and, moreover, Jewish courts did not have the right to judge capital cases,¹⁷ it seems that the technical expression here explicitly refers to the Iranian legal system. In both of these cases the use of Iranian technical terminology points to the hardly surprising fact that rabbinic authorities were well acquainted with Sasanian legal procedure and also made use of its exactly defined vocabulary, but did not necessarily employ the professional jargon developed by Sasanian jurists with regard to their own dealings.

The exact use of the second type of Iranian technical vocabulary in the Talmud, derived from the daily vernacular, is far more difficult to determine, since the exact background of the Iranian word in a legal context must be known. As an example I would like to refer to the ambiguous expression *dastwar*, attested with different meanings in Middle Persian legal and non-legal texts as well as in two passages of the Talmud, *Ārakhin* 28a and *Qiddušin* 60b. Since I have discussed the Talmudic context of this term in detail elsewhere,¹⁸ I will give a summary of the main conclusions important for evaluating the impact of borrowings from Sasanian jurisprudence. The Iranian term has both a general meaning in legal texts and is also attested, on the other hand, with a specific meaning in the context of property law and procedural law. In a general sense *dastwar* denotes a "legal authority" (that is, a person regarded as competent in legal matters, a renowned jurist, a state official, a plenipotentiary, a legal commentator, etc.). Its abstract *dastwarīh* is "legal authorization," which corresponds roughly to the translation "authority" given in the recent dictionary of Sokoloff for *dstwrn*/*dstwrn*.¹⁹ However, if the expression occurs in the context of property law or

¹⁵ For attestations, see Macuch, *Das sasanidische Rechtsbuch "Mātakdān ī Hazār Dāstān"* (Teil II), *Abhandlungen für die Kunde des Morgenlandes*, 45, 1 (Wiesbaden: Kommissionsverlag F. Steiner, 1981), 243; and *eadem*, *Rechtskasuistik und Gerichtspraxis*, 730.

¹⁶ For attestations, see Macuch, *Rechtskasuistik und Gerichtspraxis*, 727.

¹⁷ Neusner, vol. 3, 43.

¹⁸ Macuch, "An Iranian Legal Term: *dastwar(ih)*."

¹⁹ Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*, Dictionaries of Talmuds, Midrash, and Targum 3 (Ramat Gan: Bar Ilan University Press; Baltimore and London: The Johns Hopkins University Press, 2002), 345.

shortly and to the point. Two examples I have discussed extensively elsewhere may illuminate this point.¹⁰ In *'Eruhin* 62a, the technical term *muhraqē wāwarīgānē* is a plural rendering of the Iranian *muhr ī wāwarīgān* or its plural *wāwarīgān muhrān*, that is, "valid seal(s)," which has the exact technical meaning of "document(s) bearing the valid seals of officials," as opposed to documents bearing only the seals of witnesses to a transaction. The expression refers to documents issued by official instances bearing the seals of authorities whose reputation and competence was beyond doubt. In both Sasanian and Jewish law, legal documents played a prominent part, especially in civil litigation, since conflicting claims were often adjudicated on the basis of legal documents.¹¹ Courts ruled on the validity of documents, which had to be evaluated according to the authority of the seals attached to them. A document bearing a *muhr ī wāwarīgān* was regarded as far better evidence in a civil conflict than a document which had only been sealed by witnesses (who were not at the same time state officials, as we must add). Since the rabbis also had the right to issue decrees and documents and to control and evaluate those written outside of court, we may therefore assume that Jewish authorities were also authorized to validate documents with their seals.¹² The technical expression taken from Sasanian terminology leaves no doubt that the rabbis not only knew the correct legal term for these documents, but also used it exactly in the sense we can reconstruct from the Middle Persian legal material. However, since the context in which the word is used involves a non-Jew and the technical term is not explained, we have no way of deciding, whether *muhraqē wāwarīgānē* was only employed with respect to documents drawn by *Persian* state officials, or could also refer to documents issued by *Jewish* authorities. It is possible that the use of the Iranian expression was restricted to documents issued by Persian officials, which – given the fact that the law of the Sasanian government was in force in Babylonia¹³ – had also to be recognized as "valid beyond doubt" in a Jewish court.

A similar problem arises with regard to the expression *pursišn-nāmag* "record of questioning (or investigation)," a technical term belonging to the third category of expressions mentioned above, taken from the practice of the courts.¹⁴ Different expressions are used in Sasanian legal sources for court transcripts, such as *saxwan-nāmag* "record of statements," the protocol

¹⁰ *Eadem*, "Iranian Legal Terminology."

¹¹ Neusner, vol. 2, 263.

¹² *Ibid.*, vol. 3, 315–16.

¹³ The often-cited statement of Rabbi Samuel, "the law of the realm is law," explicitly points out that the law of the Persian state was also valid for the Jews (e.g., *Baḥa Batra* 54b, 55a); see Neusner, vol. 2, 69, n. 1, with further references.

¹⁴ Different interpretations of this term in the Talmud have been suggested, see Macuch, "Iranian Legal Terminology," with further references.

discuss completely different cases, have one thing in common: the Iranian expression is used in connection to property (an inherited field, *šdh* 'h^{wzh}, in b.Arakhin. or a group of fields or "estate," *bq'h*, in the Qidd.). The statement in the b.Arakhin informs us that a person is not allowed to consecrate all his inherited fields for a sacred purpose, that he is not permitted to set apart this kind of property entirely for a pious purpose, not even in the "manner of an entitled person" (*h-dstwrn*, MP. **dastwarēn*).²²

In Qiddushin a bridegroom holds the group of fields "as a person entitled" to it (*b-dstwr*/*dstwryn*, MP. *dastwar*/**dastwarēn*).²³

As we have seen above, if a person holds land "as a *dastwar*" it means that he has some sort of *unspecified title* to the land, which does not necessarily include ownership of the substance, but could be restricted to the income of the property. This was the case, for example, if the entitlement referred to leasehold property, tenancy, property held in pledge or joint-property of co-heirs, etc. In both passages the Iranian expression is a technical term designating a person who has a title to a plot of land, giving him power of disposal over the crops, but not over the substance, i.e. the land, itself. In b.Arakhin *dastwar* denotes a person who retains the right of income after dedicating his landed property to a sacred purpose. In Qiddushin the *dastwar* is a person who profits from the income of a group of fields in a certain unspecified manner, without being the owner. *By using this technical term the commentators of these passages were able to express all these complicated reflections in a single word.* It should also be noted, that the word refers to Jews, not to heathens, as is the case with the terminology from procedural law. We may therefore conclude that the rabbis were not only well acquainted with the Iranian law of property and its complex vo-

²² B.Arakhin 28a: "If the Merciful had only written: 'of all which is his,' then one could assume that one may not renounce (for sacred purposes) everything one has, but that one may renounce one kind (of property) entirely, thus the Merciful wrote: 'of the persons,' but not all persons. And if the Merciful had only written: 'of the persons,' (one could assume, the reason is that) it is impossible (to live) without labour, but (in the case of) a field (*šdh*) it is possible (to hold it) in the manner of a *dastwar*." See Macuch, "An Iranian Legal Term: *dastwar(ih)*," for a discussion of the passage. See also the German translation in Lazarus Goldschmidt, *Der babylonische Talmud: Text und Übersetzung: Nach der ersten zensurfreien Ausgabe unter Berücksichtigung der neueren Ausgaben und handschriftlichen Materials*, vol. 9 (Berlin: Biblion Verlag, 1929–1936 [vol. 9, 1934]), 306.20–24.

²³ Qiddushin 60b: "(If he says:) 'under the condition that I show you land (of the size requiring a *kor* (of seed) (*byt kwr*),' then she is betrothed to him and he should show it to her; and if he shows it to her in a group of fields (*bq'h*), then she is not betrothed to him." (*Gemara*): "(If he says:) 'under the condition that I show you land (of the size requiring a *kor* (of seed) (*byt kwr*)' [etc.], it is taught: she only wanted to see that belonging to him. 'If he shows it to her in a group of fields, then she is not betrothed to him': is it not self-evident? In the case he holds it as a *dastwar*." See Macuch, "An Iranian Legal Term: *dastwar(ih)*," for a discussion of the passage. See also Goldschmidt, vol. 5 (1931), 910.11–12; 910.21–911.2.

procedural law it is a technical term with far-reaching legal consequences which have all to be taken into consideration in order to grasp the full impact of the passage in which it occurs. In the context of court proceedings *dastwar* denotes the "legal predecessor" of a person to whom a certain object has been transferred, who has to guarantee the legality of its transfer in court, comparable to the *auctor* in Roman law. The *dastwar* is a person from whom a party in a civil litigation has acquired an object by purchase, barter, exchange or in any other manner, who has the obligation to defend the new owner or possessor in court against claims of a third party.²⁰ This specific meaning of the word in procedural law probably developed out of the context of property law, in which *dastwar* designates a person having an *unspecified right or title* to a certain object. According to Sasanian law this title could include the power of disposal of either the "principle" (*bun*) or the "increase" (*bar*) of a certain object, but did not necessarily include ownership in both categories. The abstract *dastwarīh* denotes in the context of property law the right or title to a certain object (*xwāstag*), either to its fruit or income (*bar*), or to its substance (*bun*), or to both. This entitlement could include full personal legal rights to the object (*xwēšīh*), but it could also only be restricted to its legal possession (*dārišn*) with no right of ownership. The exact nature of the entitlement concerning the right of ownership of "substance" and "fruit," called *ēwēnagān ī xwēšīh* "kinds of ownership,"²¹ had to be determined in controversial cases by the court. We may hence discern that *dastwar* was used in a legal context with the following meanings:

- (1) in a general sense: "legal authority" (e.g., a competent jurist, a state official, a plenipotentiary, a legal commentator, etc.);
- (2) in property law: "person having an *unspecified* right or title to a certain object," which could include the power of disposal of either the "principle" (*bun*) or the "increase" (*bar*) but did not necessarily include ownership (*xwēšīh*) in both categories;
- (3) in procedural law: "legal predecessor" of a person to whom a certain object has been transferred and who has to guarantee for the legality of its transfer also in court (comparable to the Roman *auctor*).

Our *terminus technicus* is attested in the context of property law in the Talmud with full understanding of its juridical meaning. Both passages, which

²⁰ Macuch, "Der *dastwar*, 'auctor,' im sasanidischen Zivilprozess," *AMI* 21 (1988): 177–88; *eadem*, *Rechtskasuistik und Gerichtspraxis*, 87–101; *eadem*, "An Iranian Legal Term: *dastwar(īh)*," with further references.

²¹ See *Dēnkard* (henceforth *DkM*) 742.6; 748.5. For *ēwēnagān xwēšīh*, see *Mādayān ī Hazār Dādestān* (henceforth *MHD*) 9.14; 10.7; 95.11; and *DkM* 707.22. The *Dēnkard* is cited following the edition of Dhanjishah Meherjibhai Madan, *The Complete Text of the Pahlavi Dinkard*, 2 vols. (Bombay: The Society for the Promotion of Researches into the Zoroastrian Religion, 1911); the *MHD* is cited following the edition of Jivanji Jamshidjee Modi, *Mādigān-ī-Hazār Dādistān: A Photozincographed Facsimile ... with an Introduction by J. J. Modi* (Poona: Trustees of the Parsee Punchayet, 1901).

also of "slaves" and "attendants." Both Iranian expressions refer to laymen (not priests!) who were engaged in the service of a fire foundation with completely different obligations, either as slaves (*anšahrīg*), who cultivated the land and worked on the (often huge) estates dedicated to the fire, or as attendants (*bandag*) involved in the upkeeping (*dāstārīh*) of the fire. The status of these two groups was completely different. Whereas the *anšahrīg* was only a "slave," unfree and literally fixed to the estate on which he worked, the *bandag ī ātaxš* could even be a high dignitary of the state, "bound" only in a metaphorical sense to the fire, as we may deduce from the example of the famous prime minister Mihr-Narseh (fifth century C.E.), who was engaged in the position of an "attendant."²⁹ Contrary to the "attendant," the "slave" working on the estates dedicated to the upkeep of a fire need not even have been a Zoroastrian. Hamza Isfahānī, in fact, offers clear evidence that the children of Jews were transferred into the service of the fire temple of Srōš Ādurān during the reign of Pērōz, son of Yazdegird (459–484).³⁰ The completely different rank and status of these two groups are only evident if the original Iranian technical terms are used, since the expressions "slave of the fire" (*anšahrīg ī ātaxš*) and "attendant of the fire" (*bandag ī ātaxš*) are defined exactly, denoting the divergent tasks and obligations of the personnel of a fire foundation. In translation this important distinction is blurred and 'bd' d-nwr' could in fact mean both "slave," or "attendant of the fire."

In the passage of *Nedarim* 62b, the expression is attested in the remarkable context of a ruse intended to avoid paying the poll tax to the Persians: "A rabbinical disciple/scholar is permitted to say: 'I am a servant/slave of the fire ('bd' d-nwr') and do not pay the poll tax (krḡ')." This passage has been interpreted in the past in the sense that a rabbinic disciple or master was allowed to declare that he was an apostate, in order to avoid paying the capitation tax, to which Jews were otherwise liable.³¹ In the light of Sasanian legal terminology, however, a completely different interpretation is possible: if a rabbinical disciple claimed to be an 'bd' d-nwr', he did not necessarily say that he had a function as a *bandag ī ātaxš* (for which he must certainly have been a Zoroastrian, therefore an apostate), but only that he worked on the estate of a fire foundation, belonged to the personnel of a fire-temple (as an *anšahrīg ī ātaxš*) and was hence not liable to paying the poll tax. The

²⁹ *Mādayān ī Hazār Dādestān*, *Anklesaria* (henceforth MHDA) 39.11–17, 40.1–5; see Macuch, *Das sasanidische Rechtsbuch*, 223. The MHDA is cited according to the edition of Tehmuras Dinshaji *Anklesaria, The Social Code of the Parsis in Sassanian Times or Mādigān ī Hazār Dādistān*, part 2 (Bombay, 1912).

³⁰ The passage is cited and discussed in Macuch, "The Talmudic Expression 'Servant of the Fire,'" 127; for the original, see Joesephus M. E. Gottwaldt, *Hamzae Isphahanensis Annalium libri X*, 2 vols. (Leipzig: Sumptibus F. C. G. Vogelii/Sumptibus editoris, 1844–48), vol. 1, 56, 1–3 (Arabic text); vol. 2, 41 (Latin translation).

³¹ Neusner, vol. 4, 88–89; for a discussion of the problem, see David Goodblatt, "The Poll Tax in Sasanian Babylonia: The Talmudic Evidence," *JESHO* 22 (1979): 233–95.

cabulary, but also adapted terms in this field which could only be understood in a context similar to that of Sasanian jurisprudence. The legal concept behind the use of the term *dastwar* seems to have been the same.

Hidden legal connotations may be detected in passages using translations of Iranian terms, such as the above mentioned '*bd' d-nwr*', "servant of the fire," or in combination with an Iranian word, such as *dsqrt' d-'bdy* "estate of slaves." In the latter expression *dsqrt'* is a rendering of Middle Persian *dastgird*,²⁴ "estate," which is defined in a legal context as a plot of land of any size, which has been cultivated and has access to an irrigation canal, has roads and/or houses built on it, etc., in contrast to plain *zamīg*, "land," designating uncultivated land with none of the components defining an estate.²⁵ The exact Middle Persian equivalent of the Talmudic expression "estate of slaves" is – as far as I can see – not attested in Pahlavi sources, but the practice alluded to in *Giṭṭin* 40a is mentioned in Sasanian law. Animals and slaves (*stōr-iz anšahrīg*) belonged to the estate (or *dastgird*) on which they worked and were alienated together with the land, as we may conclude from an interesting statement on the transfer of estates in the Sasanian Lawbook.²⁶ These slaves obviously had the status of *glebae adscripti*, were engaged in agriculture and bound to the soil, being transferred together with the animals when the estate changed owners. This Iranian practice seems to be referred to in the Talmud in a context stating the sale of a *dsqrt' d-'bdy*, that is, of an estate to which slaves were bound to non-Jews.²⁷ Again there is no explanation whatsoever of the term, but from the context concerned with the correct form of manumission we may conclude that the slaves referred to here were Jews, that they were to be manumitted properly and set free in order not to be transferred with the estate into the possession of non-Jews. We may furthermore conclude that the Iranian practice of alienating slaves together with the land was well known and the expression used with full cognition of its legal implications.

In the other translated expression quoted above, '*bd' d-nwr*', we may recognize the equivalent of two Iranian technical terms attested in the context of fire foundations: (1) *bandag ī ātaxš/ādurān bandag*, "servant/attendant of the fire," and (2) *anšahrīg ī ātaxš* "slave of the fire."²⁸ The personnel of a relatively large fire foundation consisted not only of priests and guardians (*sālār*) in charge of the administration of the foundation, but

²⁴ See Bernhard Geiger, "Mittelpersische Wörter und Sachen," *WZKM* 42 (1935): 123–28; here 123.

²⁵ All attestations of these terms should be taken into consideration. See Macuch, *Rechtskasuistik und Gerichtspraxis*, 700 and 740, especially, MHD 19.5–7, *ibid.*, 159 (text), and 165–66 (commentary).

²⁶ MHD 18.9–10 (Macuch, *Rechtskasuistik und Gerichtspraxis*, 158; and *eadem*, *Das sasanidische Rechtsbuch*, 80).

²⁷ *Giṭṭin* 40a; Goldschmidt, vol. 5 (1897–1935, 1931), 485.

²⁸ See Macuch, "The Talmudic Expression 'Servant of the Fire.'"

but also made use of their exact knowledge to advance their own interests. By choosing a translation of the original Iranian term they could disguise the exact competence and function of the person designating himself as a '*bd*' *d-nwr*'. If Iranian technical terminology could be employed in the original to express a mass of legal information shortly and precisely, using the economy of language typical of legal jargon in order to facilitate discussions and rulings, then the reverse could also be done. In translation expressions, which were precisely defined in the original, could lose their restrictive legal meaning and be interpreted ambiguously or differently in accomodation with the specific interests of the Jews. Thus in each of these instances we may discern a different reason behind the allusion to Sasanian law.

Talmudic passage explicitly allows the rabbinic disciple to use the ambiguity of the translated expression to his advantage.

Although there can be no doubt that all these expressions, whether in the original Persian or in translation, allude to Sasanian law, I have tried to show that the impact of the "law of the realm"³² will have to be evaluated in each case separately. Seen in relation to the numerous Iranian loanwords from daily life attested in the Talmud, Sasanian legal terminology seems to have been only seldomly used in the original. The passages discussed above indicate that *Iranian legal terms were chosen when they were necessary to express an exactly defined legal concept* for which there was no alternative. This was certainly the case when referring to Iranian procedural law with its precise legal terminology, derived from the daily practice of the Sasanian courts. But although the rabbis had perfect knowledge of these technical terms and their implications, there is no clear evidence that they were also adapted to the practice of Jewish courts. The status of legal expressions formed from the daily vernacular is far more difficult to determine due to the lack of any form of definition in the Talmud, forcing us to rely completely on Middle Persian evidence. It seems that the legal vocabulary of this category, formed on the basis of Sasanian property law, could have been integrated into Jewish law, which leads us to the assumption that in these instances not only the technical terms, but also the underlying legal concept was accepted by Jewish authorities. Finally, the use of a translated Middle Persian legal expression such as 'bd' d-nwr' could also have been a ruse to avoid having to pay tribute to the Persians.

Taking all these reflections into consideration, we may summarize our scrutiny of Iranian legal terminology in the Talmud as follows:

- (1) Iranian technical terms were used in the original when they were needed to express a well-defined legal concept for which there was no other equivalent.
- (2) This was the case with regard to:
 - (a) the legal language of the Sasanian courts, which may or may not have been adapted to Jewish courts (such as *muhrāqē wāwarīgānē* and *pursišn-nāmag*);
 - (b) precisely defined expressions from Sasanian property law comprising a mass of information in a single word (such as *dastwar* and *dastgird*). With these terms also the underlying legal concept was integrated into Jewish law.
- (3) The translation of an Iranian legal expression, which was clearly defined in the original (such as *anšahrīg ī ātaxš* or *bandag ī ātaxš*), could have the opposite effect of blurring its exact meaning (as in 'bd' d-nwr'). This could have been used to the advantage of the Jews in their dealings with Persian authorities.

The third case mentioned above is most remarkable, since it leads us to the conclusion that the rabbis not only knew Sasanian law and its terminology,

³² Rabbi Samuel, see n. 13 above.

tion into "Elamite" and "Median" (bMeg. 18a). Although as far as we know these specific languages were not in existence in Sasanian Iran, the references do point to the translation of the book of Esther into local Jewish dialects of Iranian languages during the Sasanian era.³ Taken together, these several pieces of information indicate that the rabbis of Sasanian Babylonia were particularly engrossed in the Esther narrative and, through exegetical expansion, the aggadic traditions apropos of Achaemenid Persia.

Going one step further, the Babylonian authors of the BEM may have even thought of their exegeses as representing an ancient, unbroken chain of oral tradition about the Achaemenid Queen to which they were only privy because of their uninterrupted access to the inner workings of Persian history since "the time of the Great Assembly" (bMeg. 10b).⁴ There is no doubt that the BEM shows a high level of Persian influence. Although the multi-layered text relies heavily on Palestinian midrashim, especially Esther Rabbah and the tannaitic chronology Seder 'Olam,⁵ the Babylonian authors and redactors nevertheless add a great deal of original material, incorporating into the midrash a number of Middle Persian loanwords⁶ and literary mo-

³ For a discussion of Persian translations of the book of Esther, see Shaul Shaked, "Middle Persian Translations of the Bible," in *EJr* 4, 2 (1989): 206–07. On the history of the Elamite language during this period, see David T. Potts, *The Archaeology of Elam: Formation and Transformation of an Ancient Iranian State* (Cambridge: Cambridge University Press, 1999), 430, where the author draws the conclusion based on Jewish and Arabic sources that a late form of Elamite existed in Elam (Southwestern Iran) as late as the tenth century. The languages "Elamite" and "Median" are also mentioned in bShabbat 115a in a debate about saving translations of holy books on Shabbat.

⁴ Rabbinic references to "the Great Assembly" generally signify in the minds of the rabbis the "earliest known phase of post-Prophetic tradition" (Segal, *BEM*, vol. 1, 32) and are traditionally thought to be references to the returnees accompanying Ezra from Persia, and their subsequent acceptance of the Law (see Nehemiah 8–10). Segal astutely adds that the exegetes of the BEM "seem to have taken a particular interest in these earliest manifestations of the institutions to which they themselves were the successors" (Segal, *BEM*, vol. 3, 248). It is well-known that Talmudic attributions like the one to the Great Assembly are usually not reflective of historical fact but are rather the Babylonian tradent trying to "link his dictum to the most ancient stages of the post-biblical oral tradition" (Segal, *BEM*, vol. 3, 248). Jacob Neusner, *A History of the Jews of Babylonia: The Parthian Period*, vol. 1 (Chico: Scholars Press; repr., 1984), 164–70, also discusses the antiquity of the attribution to the Great Assembly in the BEM, though he too readily accepts its authenticity.

⁵ See Segal, *BEM*, vol. 1, 110, and vol. 3, 242; and Chaim Milikowsky, "Seder Olam," in *The Literature of the Sages: Second Part: Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Languages of Rabbinic Literature*, eds. Shmuel Safrai, Zeev Safrai, Joshua Schwartz, and Peter J. Tomson (Assen: Royal Van Gorcum and Fortress Press, 2006), 231–38.

⁶ The following is a general overview of the six Middle Persian loanwords I found in the BEM, some of which have clearer etymologies than others; for more information than what is provided here, consult the entries in Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat-Gan: Bar Ilan University Press; Baltimore: The Johns Hopkins University Press, 2002). (1) bMeg. 12b, 'ahuriyar,

Rabbinic Depictions of the Achaemenid King Cyrus the Great*

The Babylonian Esther Midrash (bMeg. 10b-17a) In its Iranian Context

JASON SION MOKHTARIAN

Introduction

For the Jewish sages in Palestine and Babylonia, scriptural interpretation frequently underwent internal developments according to each community's unique historical context. For the sages in Babylonia, it was the course of Sasanian history that served as the backdrop of their midrashim, the only complete attestation of which is the aggadic Babylonian Esther Midrash, located in the Talmud (bMeg. 10b-17a).¹ Dealing with a biblical book set in the Achaemenid royal court, the rabbis living in Sasanian Babylonia attached an especially heightened hermeneutical significance to the story of Purim, using it as an opportune text for self-reflection about their relationship to Persia, both past and present.² Indeed, the Babylonian Esther Midrash (henceforth BEM) is more complete and expansive than any Palestinian midrash on Esther, and the ubiquity of the book of Esther among pre-Islamic Jews in Iran is evidenced by a reference in the Talmud to its transla-

* I would like to thank the following mentors whose generous support and advice contributed to this article: Carol Bakhos, Ra'anana Boustani, Yaakov Elman, Isaiah Gafni, Richard Kalmin, Shaul Shaked, M. Rahim Shayegan, and Prods Oktor Skjærvø. Any errors in this paper of course remain my own.

¹ For an in-depth synopsis of the text, its history, and the many literary and cultural questions it raises, see Eliezer Segal, *The Babylonian Esther Midrash: A Critical Commentary*, 3 vols. (Atlanta: Scholars Press, 1994), especially vol. 1, 1-30, and vol. 3, 217-67. Segal rightly notes that the BEM is "the only full midrashic exposition of an entire biblical book to have been incorporated into the Babylonian Talmud, making it the only complete midrashic work that has come down to us from that prominent Jewish community and its rabbinic teachers" (vol. 1, 1). For another discussion of the BEM, see Abraham Weiss, *Studies in the Literature of the Amoraim* (New York: Yeshiva University, 1962), 276-92.

² See, for instance, Richard Kalmin, *The Sage in Jewish Society of Late Antiquity* (London and New York: Routledge, 1999), especially 15-18, where the author shows the significant differences between Palestinian and Babylonian representations of Achaemenid-era biblical figures like Ezra and Esther.

give one example, their emphasis on Vashti's descent from the evil Babylonian king Nebuchadnezzar rather than from the Agagite Haman.⁸ Furthermore, the central role played in the BEM by Rava, the fourth century Babylonian amora who, of all the rabbis, was relatively open to outside influences, suggests that the midrash could have originated in his Mahozan academy located in the heart of the Sasanian world.⁹ With the appearance of these and other Persian elements in the BEM, one can see how the rabbis integrated local cultural phenomena into the midrash in order to capture and maintain the attention of their audience in the Babylonian yeshivot¹⁰ who were at least to some extent *au courant* with Persian culture and history, most expressly those Persian historical figures whose biographies overlapped with their own biblical records, as was the case of the Achaemenid kings, including of course the empire's founder Cyrus the Great (ca. 558–530 B.C.E.).

As this paper will demonstrate, two passages in the BEM (bMeg. 11a-b and 12a) depict the Achaemenid king Cyrus in an unexpectedly negative way when seen relative to other Jewish traditions about him, such as those in the Hebrew Bible and Palestinian midrashim. In the two BEM passages, the Babylonian exegetes censure the Achaemenid king's lofty biblical status as (a) "the anointed one" or "Messiah" (Isaiah 45:1); and (b) a self-proclaimed, God-chosen world ruler (Ezra 1:2). These types of criticisms found in the BEM are also representative of the generally negative attitude towards Cyrus in other places in the Babylonian Talmud, as well as the more subtle means the rabbis of the Talmud use to deemphasize Cyrus' role in Jewish history and scripture.¹¹

Literature, eds. Charlotte Elisheva Fonrobert and Martin S. Jaffee (Cambridge and New York: Cambridge University Press, 2007), 165–97.

⁸ Segal, *BEM*, vol. 3, 246–47, 258–59.

⁹ *Ibid.*, 221.

¹⁰ The existence of the BEM as the only complete Babylonian midrash raises many fundamental questions about rabbinic scriptural activity outside of Palestine, as well as the relationship between different Jewish institutions (synagogues, academics, etc.) and the types of texts they produced (homiletical midrash, academic exegesis, etc.). Segal argues convincingly that the BEM, which draws heavily from homiletical Palestinian sources, is a final product of the Babylonia yeshiva and not the synagogue. Segal illustrates, for instance, how the BEM tends "to ignore or eliminate the homiletical contexts and literary structures that define Palestinian midrashic activity, and to treat the Midrash as an academic exegetical enterprise" (Segal, *BEM*, vol. 1, 156). The BEM, he adds, changes the performance aspect of Esther designed for homiletical uses to a more discursive, exegetical commentary to which the rules and analytic methods of Talmud apply (vol. 1, 11–12).

¹¹ The rabbis of the Talmud achieve this same effect of curtailing Cyrus by frequently substituting him with a Jewish biblical hero, usually Abraham, when they cite the many passages in the book of Isaiah, which allude to the Persian king but do not explicitly mention him by name (e.g., Isaiah 41:1); see Gwilym H. Jones, "Abraham and Cyrus: Type and Anti-Type?" *VT* 3 (1972): 304–19.

tifs.⁷ Often anonymously, the Babylonian exegetes stress certain expansive features of the Esther story that befit its Babylonian rendition, such as, to

"stable master" from Middle Iranian (henceforth Mlr) **āwarrāyār*: see Middle Persian (henceforth MP) *āwarrsālār* "stable master," and compare *āwarr* + *yār* "stable-keeper" (Sokoloff, 83; see other usages in bBM 85a and bShab. 113b). The word *āwarr* appears, for instance, in the *Kārnāmag* 2.20: *u-š Ardašīr rāy ē āwarr ī stōrān freštīd*. "And he sent Ardashir to the stable of horses." (2) bMeg. 12b, *pardukhsa*, "a type of official," of uncertain etymology, but likely Iranian (Sokoloff, 928; see other usages in bAZ 18a and bShab. 94a). (3) bMeg. 12b, *durda*, "the sediment of wine in a barrel," attested in New Persian *durdī*, "dregs, lees" (Sokoloff, 322; see other usages in bTan. 22a, bAZ 32a and 34a). (4) bMeg. 13a, *pardashna*, "a gift in return for another gift, farewell present," related to MP *pādāšn*, "reward, retribution" (Sokoloff, 928; see other usage in bAZ 71a, where it is used in reference to the Persian practice of gift-giving). This word is ubiquitous in Middle Persian. A relevant passage to be compared with the Bavli's usages is in *Dēnkard* 6.23: *rādīh ēd pahlom kē dāšn ē kas kunēd kē az ōy kē padīš kunēd pad gēṭīg ēiš-iz pādāšn nē ēmēd kū-š awīš rasēd*, "This (type of) generosity is the best: someone who gives a gift to a person from whom he does not expect (lit., "hope") in getting any reward in the world." See Dhanjishah Meherjibhai Madan, *The Complete Text of the Pahlavi Dinkart*, 2 vols. (Bombay: Society for the Promotion of Researches into the Zoroastrian Religion, 1911), 477; Shaked, *The Wisdom of the Sasanian Sages (Dēnkard VI) by Arturpāt-i Emētān*, Persian Heritage Series, Nr. 34 (Boulder, Co: Westview Press, 1979), 10–11. (5) bMeg. 13a, *karga*, "poll tax," a highly debated word, and possibly a borrowing from Mlr; see MP *harg*, Arabic *kharāj* (Sokoloff, 599). This word appears seventeen times in the Talmud, sometimes in relation to Persian figures (e.g., Ahasuerus in bMeg. 13a, and the Persians in bYoma 77a). In MP, the word *harg* appears, for instance, in the *Arda Wirāz Nāmag* 34.15 (see F. Vahman, *Arda Wirāz Nāmag: The Iranian "Divina Commedia"*, Scandinavian Institute of Asian Studies, Monograph Series 53 [London: Curzon Press, 1986], 143, 207) which admonishes wicked people for causing homelessness and poverty, and that as a result "it was necessary always to pay high taxes" (*ud xarāj ī garān hamē abāyist dādan*). For more information, see the thorough treatment of this term by David Goodblatt, "The Poll Tax in Sasanian Babylonia: the Talmudic Evidence," *JESHO* 22, no. 3 (1979): 233–95. (6) bMeg. 16a, *daskarta*, "landed estate," from MP *dasgird*, "estate" (Sokoloff, 344–5; see bEruv. 59a, bGitt. 40a and its usage as a geographical name in bShab. 93a, bSot. 6b, and bGitt. 28b). For a linguistic analysis of this word in MP, see Wojciech Skolmowski, "On Middle Iranian *dstkrt(y)*," in *Medioiranica: Proceedings of the International Colloquium Organized by the Katholieke Universiteit Leuven*, eds. Wojciech Skolmowski and Alois Van Tongerloo (Leuven: Peeters, 1993), 157–62.

⁷ See the article by Geoffrey Herman, "Ahasuerus, the Former-Stable Master of Belshazzar, and the Wicked Alexander of Macedon: Two Parallels between the Babylonian Talmud and Persian Sources," *AJS Review* 29:2 (2005): 283–97, where the author shows how "the BT has taken a typical Persian *topos* and applied it to the biblical retelling portraying the biblical protagonists as characters familiar from such as the Iranian *Xwadāy-nāmag* (Book of Lords) tradition. Familiarity with some Persian original should be taken for granted. For the source on Alexander of Macedon, it would appear that the impact of Zoroastrian antagonism towards Alexander lies behind the BT's attribution of the destruction of Alexandrian Jewry to him" (297). My article here corroborates many of Herman's conclusions using a different set of data. The impact of Persian culture on the BT has been outlined best in Yaakov Elman's many recent works; for a general overview, see his "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition," in *The Cambridge Companion to the Talmud and Rabbinic*

the Second Temple, thereby casting a negative shadow on the Persian builders of the Temple instead of its Roman destroyers. According to Ginzburg's problematic model, the late antique Babylonian exegetes are therefore simply expressing their discontent with their "Persian" Sasanian rulers via literary attacks on their "Persian" forebears, the Achaemenids, including Cyrus.

One problem with Ginzburg's explanation is that there is no textual evidence to support its connection between the BEM's discussions of the ancient biblical figure of Cyrus and the exegetes' attitudes towards their contemporary Sasanian rulers. The BEM passages do not represent the Sasanian rabbis' taking a stand on "the burning questions of the day,"¹⁴ but are rather just what they purport to be: negative exegetical-historiographical traditions about the real ancient Persian king who played a formative role in Jewish history. Reading anti-Sasanian sentiments into the BEM's Cyrus texts is unfounded since it results in unnecessarily grouping together all of "the Persians" as a single analytic category, thereby conflating history and making anachronistic associations in ways which, while at times native to the rabbinic mindset, are not found in the BEM Cyrus texts themselves. Were we to have as our goal a study of how the Babylonian rabbis thought about the Sasanians, it would be more appropriate for us to examine the many passages in the Bavli that describe the sages, especially Shmuel and Rava, in dialogue with the Sasanian kings Shapur I and II,¹⁵ instead of the texts about Cyrus. What the texts about Cyrus convey to us is the Babylonian rabbis' exegetically motivated perspective on Achaemenid-Jewish history.

For the rest of this paper, I would like to analyze the BEM's criticisms of Cyrus and how the Persian context of Babylonian Jewish history helped to shape them. I shall focus on the many points of comparison between the Talmud's negative attitude towards Cyrus and Persian historiographical trends. Drawing from an array of Iranian sources, including the Avesta, the Achaemenid Old Persian inscriptions, and Middle Persian texts, I argue that the Babylonian exegetes' low opinion of Cyrus is a consequence of their centuries of contact with the Persian world, where the king's legacy in both the Achaemenid and Sasanian eras was curtailed and manipulated for various political reasons. In ancient Persian sources, Cyrus' legacy moves on a downward trend, one which culminates in the famous king's conspicuous absence from Middle Persian sources and the Sasanian kings' construction of a royal genealogy.

¹⁴ Joseph Heinemann "The Nature of the Aggadah," in *Midrash and Literature*, eds. Geoffrey H. Hartman and Sanford Budick (New Haven: Yale University Press, 1986), 49. Segal generally agrees that the BEM does not focus on matters pertaining to the rabbis' Sasanian setting (*BEM*, vol. 3, 233).

¹⁵ See my "The Sages and Shapur I in Dialogue" (forthcoming), presented at a graduate student workshop on "Rabbis and Others in Conversation" at Princeton University, May 2009.

The first scholars to note the attitudinal differences towards Cyrus between Palestinian and Babylonian sources were Louis Ginzburg in 1928 and Ephraim Urbach in 1961.¹² In their research, these two eminent scholars delineate in detail the contrast towards the Achaemenid king, though regrettably their decades-old explanations as to why the Babylonian rabbis censured him are today largely unsubstantiated by our current state of knowledge in Rabbinitics and Ancient Iranian Studies. In a lengthy footnote in his classic *The Legends of the Jews*, Ginzburg argues unconvincingly that the Bavli's attacks against the Achaemenid king are little more than the Babylonian rabbis expressing their political antagonism towards their contemporary Sasanian rulers and, by extension, even Mazdean priests. Without critically analyzing the textual evidence before making these claims, Ginzburg assumes in an outdated lachrymose conception of Jewish history that the Babylonian Jews "suffered terribly at the hands of the Mazdic priests who were very powerful in the Sassanide empire," and that because of their political preference for Rome over Sasanian Persia, "Cyrus and the Persians came in for a great deal of blame" in the Talmud.¹³ Ginzburg argues, the Babylonian rabbis' anti-Sasanian sentiments are expressed in their exegetical writings that deal with the role of Cyrus in the rebuilding and demise of

¹² See Louis Ginzburg, *The Legends of the Jews*, vol. 6: *From Moses to Esther* (Philadelphia: The Jewish Publication Society of America, 1928), 433, n. 7, and Ephraim E. Urbach, "Koresh vehakhrazato be'einei hazal," *Molad* 157 (1961): 368–74 (reprinted in *The World of the Sages: Collected Studies* [Jerusalem: The Magnes Press, 1988] 407–10). Ginzburg was the first to point out the uniquely harsh attitude of the Babylonian rabbis towards Cyrus, but Urbach refined the argument, showing how there are some criticisms of Cyrus in the Palestinian midrashim as well.

¹³ Urbach, "Koresh vehakhrazato be'einei hazal." The question surrounding the limits of writing history due to the complexities of rabbinic authorship, especially in the Babylonian Talmud, is one of the most debated questions in the field of Rabbinitics and is hugely consequential in how we approach historical questions like those about "Sasanian persecution." Richard Kalmin, in the chapter "Persian Persecutions of Jews," of his *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford University Press, 2006), 121, describes this well when he writes that "significant aspects of the history of the Jews of late antiquity will have to be rewritten once the latest developments in Talmud text criticism are taken into account. These developments greatly complicate the historian's task, but they add depth and subtlety to the historian's arguments and ensure that conclusions rest on a firmer literary foundation." As is well known, the Talmud's composite nature, exegetical and ahistorical tendencies, inherent elitism, and complex transmission and redaction, among other features, all restrict our ability to draw historical conclusions based on any single statement or passage. For a recent, excellent discussion of these issues as they pertain specifically to Babylonian Jewish history, see Isaiah Gafni, "The Political, Social, and Economic History of Babylonian Jewry, 224–638 C.E.," in *The Cambridge History of Judaism*, vol. IV: *The Late Roman-Rabbinic Period*, ed. Steven T. Katz (New York: Cambridge University Press, 2006), 792–821, especially 792–93. See also Isaiah Gafni's discussion about the Bavli's references to "the Persians" in *Yehude Bavel bi-tekufat ha-Talmud* (Yerushalayim: Merkaz Zalman Shazar, 1990), 156.

iles, the passage ironically depicts Cyrus as the delayer of the Messiah instead of as the Messiah himself:

Rav Nahman bar Rav Hisda¹⁹ expounded: What is the meaning of the verse. *Thus said the Lord to Cyrus, His anointed one – whose right hand I have grasped* (Isaiah 45:1)?

Is Cyrus His²⁰ anointed one?²¹

Rather, the Holy One said to the anointed one: I have a complaint for you about Cyrus. I proclaimed, *He shall build my city and let my exiled people go* (Isaiah 45:13), but (Cyrus) said, *Anyone among you of all His people – may his God be with him, and let him go up to Jerusalem* (Ezra 1:3)!²²

In discussing the question of the fourth-generation Babylonian amora Rav Nahman (ca. 420–450), the exegetes employ a common tool of scriptural interpretation by re-punctuating the biblical verse of Isaiah 45:1 so that it takes on a different meaning than expected. In order to solve the rhetorical question about the connotative phrase, the exegetes alter the syntax of the verse so that it comes to mean that God is complaining to the anointed one *about* Cyrus, instead of that God was talking to Cyrus *who is* the anointed one. Except for interrogative introductory phrases, this passage is in Hebrew, and though it has no direct parallel in rabbinic literature, its characterization of Cyrus as a king who did not fully support the exiles and Temple does appear repeatedly in rabbinic literature, especially in Palestinian sources (see below).

The manuscripts of bMeg. 12a contain a noteworthy variant with respect to the possessive pronoun “his” found in Rav Nahman’s questioning of Isaiah 45:1. The pronoun “his” is found only in the Columbia University manuscript. Segal adopts this reading in his edition of the BEM because of the reliability with which he holds this manuscript over the others, and also because he takes for granted that the authors of the BEM would not have thought it reasonable to question whether Cyrus was ever “anointed king.” Segal believes that the rabbis would have taken this point for granted based on their biblical information about him. Going against Segal’s reading, however, is the strong possibility that the Columbia University manuscript was unnecessarily harmonized with the biblical text of Isaiah 45:1, which also includes the possessive pronoun.

¹⁹ MSS Parma and ‘Ein Ya’aqov: Isaac.

²⁰ Only MS Columbia University has the possessive pronoun after the word “anointed one.” For a thorough discussion on this variant, see Segal, *BEM*, vol. 1, 186–90, and the review by Joseph Tabory, “Book Review: *The Babylonian Esther Midrash: A Critical Commentary* by Eliezer Segal,” *JQR* 88, 1–2 (1997): 113–20, especially 117–18. See also my discussion below.

²¹ There are slight variations in this line. MSS Oxford and the printed editions have *ki* instead of ‘*atu*, which is found in all the other MSS. The printed editions also have the past tense *haya* where the other versions have a present tense nominal sentence.

²² All translations in this article are mine unless otherwise noted.

Highlighting Cyrus' absence from Middle Persian sources is the central role his most famous successor, King Darius I (522–486 B.C.E.), plays in them. In Middle Persian literature, Darius represents the opposite of Cyrus in that he is a highly revered figure in Sasanian genealogy who straddles both a mythic Kayanid and historical identity, a topic which has garnered great debate among ancient Iranists.¹⁶ As some Iranists have convincingly argued, this stark contrast between the two Achaemenid kings' roles in Middle Persian sources is in part a millennium-long extended outcome of an anti-Cyrus political agenda that Darius successfully achieved in his own time. As a result of these and other factors, the legacies of Cyrus and Darius are highly intertwined from the Achaemenid through Sasanian eras and need to be studied in tandem.¹⁷ This is true for both Persian and Jewish sources.

In short, it is these types of historiographical trends in various Persian sources that can assist us in gaining a better understanding of the broader literary and historical contexts of the BEM and its unexpected criticisms of Cyrus the Great. Once we take into account how Persian sources curtail the Achaemenid king's legacy within the Persians' own historical memory, we can see how the BEM's expression of dislike for Cyrus, while unexpected relative to other Jewish traditions, is in line with its Sasanian cultural setting. By comparing Talmudic and Persian sources, I hope to show how the development of the inner-Persian historiographical stance towards Cyrus impacted the Babylonian exegetes' attitude towards the king, a phenomenon best illustrated in the BEM.

1. Criticisms of Cyrus in the Babylonian Esther Midrash

1.1 *Cyrus in bMeg. 12a*

The following passage in *bMeg. 12a* challenges the famous biblical citation in Isaiah 45:1 which exalts Cyrus the Great as "the anointed one" or "Messiah."¹⁸ Accusing the king of not having fully supported the return of the ex-

¹⁶ For a summary of ancient Iranists' wide-ranging opinions regarding to what extent, if any, the Sasanians remembered the Achaemenids, as well as what role their epic Kayanid ancestors played in this memory, see the article and bibliography by M. Rahim Shayegan, "On the Rationale behind the Roman Wars of Šābuhr II the Great," *BAI* 18 (2008): 111–33. Few questions in ancient Iranian Studies have caused as much controversy and differences of opinion as this one.

¹⁷ I would like to thank M. Rahim Shayegan for bringing this methodological point to my attention.

¹⁸ For a summary of the favorable biblical portrayals of Cyrus the Great, see Amnon Netzer, "Some Notes on the Characterization of Cyrus the Great in Jewish and Judeo-Persian Writings," in *Hommage Universel*, vol. 2, *Acta Iranica* 2 – Commémoration Cyrus: Actes du Congrès de Shiraz 1971 (Téhéran and Liège: Bibliothèque Pahlavi, 1974; distributed by E. J. Brill), 35–52.

pared to Cyrus' bygone policy failures.²⁵ Other attacks on Cyrus in Palestinian midrashim include, for instance, blaming the failure of the Second Temple on the fact of its foreign, gentile patronage (*Pesiqta Rabbati* 35.1). Another criticism is found in the Targum to Isaiah 45:1, where Cyrus is consistently repudiated by the Lord for not knowing "how to serve before Me."²⁶ As these examples show, Palestinian sources often criticize Cyrus for his policy failures.

But these criticisms and others like them in Palestinian sources do not amount to a full-fledged onslaught against the personality of the Persian king as we find in the BEM. Far from it, the Palestinian sources are often also full of praise for Cyrus, creating a balanced and more nuanced picture of him as a well-intending but ultimately unsuccessful king.²⁷ Instead of writing him off as the rabbis do in *bMeg.* 12a, Palestinian sources often assimilate the Persian king into the rabbinic worldview. For example, *Genesis Rabbah* 36.8 writes that Cyrus and the Persians were descendants of Japheth, one of Noah's sons,²⁸ while *Song of Songs Rabbah* III.4.2 adds that

²⁵ See Urbach, "Koresh," 408–09.

²⁶ Bruce D. Chilton, *The Isaiah Targum: Introduction, Translation, Apparatus and Notes* (Wilmington: Michael Glazier, Inc., 1987), 89; see also xx–xxv, where Chilton evaluates the complicated textual history of the Isaiah Targum, to which both the Palestinian and Babylonian hands appear to have played a role.

²⁷ Palestinian texts which express a more favorable attitude towards Cyrus include: *Esther Rabbah* Proem 6, where Cyrus is called a righteous gentile king who attained greatness and helped the world; *Esther Rabbah* II.1, which tells the story of how Cyrus, after his decree to rebuild the Temple, finds all the money that Nebuchadnezzar had stored away in huge ships in the Euphrates; and *Exodus Rabbah* II.2, where Cyrus says that God still dwells in Jerusalem even though the city was destroyed. Another common leitmotif about Cyrus in Palestinian midrashim (see *Song of Songs Rabbah* II.13.3, *Pesiqta Rabbati* 15.13, *Pesiqta de Rav Kahana* 5.9) is the king's reputation as a "good explorer," derived from *Songs of Songs* 2:12, "the voice of the turtle is heard in our land." The rabbis also interpret this verse as relating to Joshua, thereby connecting the Persian king with the Israelite who led his people to the holy land.

²⁸ According to rabbinic literature, Cyrus and the Persians are descendants of Japheth, the son of Noah and brother of Ham and Shem (*Gen.* 10:1). Japheth is traditionally portrayed in Jewish texts as the ancestor of various ethnicities, including Persians. The question that the rabbis often ask in connection with these genealogies is whether Cyrus' Persian lineage caused the Second Temple to fall and the Shekhinah to leave it, in contrast to First Temple of Solomon (who is Shem's descendant). This rabbinic view is in part based on the verse in *Genesis* 9:27: "May God enlarge Japheth, and let him dwell in the tents of Shem." In rabbinic commentaries, Cyrus' genealogical connection to Japheth is exploited as both a positive and negative trait, depending on which text one turns to. On the positive end, *Genesis Rabbah* 36:8 interprets the phrase "God enlarge Japheth" (*Genesis* 9:27) as alluding to "Cyrus, who ordered the Temple to be rebuilt," for which the king deserved credit. *Pirke de Rabbi Eliezer* (PRE) 35 adds that because Cyrus descended from Japheth, he was rewarded for his ethical behavior towards his father Noah when the latter was drunk, even though Shem and his descendants were more deserving of reward (and thus the First Temple was better than the Second Temple). The negative tradition surrounding

In all of the other textual witnesses to this passage besides the Columbia manuscript, none of which include the possessive pronoun, the authors of the BEM use Isaiah 45:1 as a means of inquiring whether they know of a Jewish tradition which relates that Cyrus was ever an "anointed king." The question in this majority reading, which Rashi adopts, is: "Was Cyrus (ever) an anointed king?" Despite Segal's initial objections to its logic, the majority reading's suspicious attitude towards Cyrus' reign is paralleled elsewhere in the BEM (bMeg. 11a-b) where the Babylonian rabbis think it reasonable to question the legitimacy and vastness of Cyrus' empire. This reading also points to the possibility that the rabbis understood the term "anointed one" without its messianic connotations and solely as a statement of the king's royal duties.²³ In the end, what is important to take away from bMeg. 12a is that both manuscript readings downplay Cyrus' scriptural status and demote the king's role as the redeemer of the Jewish people. In Jewish Babylonia, Cyrus was known as a king who failed to fully support the Second Temple and exiles.

1.2. *Cyrus in Palestinian Midrashim*

By way of comparison, many Palestinian midrashim support the view that Cyrus' reputation waned as a result of his insufficient support for the Temple and exiles. Palestinian midrashim frequently charge the king with decreeing that the exiles who had yet to cross the Euphrates were no longer allowed to do so,²⁴ a policy which these texts connect to the eventual failure of the Second Temple. In fact, the motif of blaming Cyrus for the failure of the Temple had its origins in Palestine, not in Babylonia, perhaps being rejuvenated as a literary reaction to the Roman emperor Julian's failed attempts at rebuilding the sacred structure, an event which the rabbis com-

²³ For a discussion of the various scholarly interpretations of the contentious word *meshiakh* in Deutero-Isaiah, see Lisbeth S. Fried, "Cyrus the Messiah? The Historical Background to Isaiah 45:1," *HTR* 95, no. 4 (2002): 373–74.

²⁴ Palestinian texts which express feelings of bitterness towards Cyrus because of this decree include: Song of Songs Rabbah V.6.1, where Cyrus' decree is compared to the words "My soul failed me when he spoke" (Song of Songs 5:6); Song of Songs Rabbah V.5.1 which repeats the "bitter" decree and explains in a narrative that Cyrus stopped the return of exiles because upon walking through his capital he realized that the Jews who were leaving were his gold and silver workers; Song of Songs Rabbah VIII.13, where the rabbis lament their inability to help their "little sister" (Song of Songs 8:8), interpreted as "the returning exiles," after Cyrus' decree; Esther Rabbah Proem 8, where Cyrus' decree is called "foolish words" (Eccl. 10:13) just after it is called wise; and, similarly, Ecclesiastes Rabbah 10:1 which clearly juxtaposes the positive decree of Cyrus to allow the exiles to return (which the rabbis call "the words of a wise" and "gracious" man, connecting Ezra 1:3 with Eccl. 10:12) with the king's subsequent negative decree of restricting more exiles from returning (which the rabbis call "foolish words" and "grievous madness," Eccl. 10:13).

Is there not Solomon? His reign did not last because Ashmedai came and banished him.³² This is acceptable for the one who says that he was a king and then a commoner and nothing more. But for the one who says that he was a king and then a commoner and then a king (again),³³ what is there to say?

Solomon was different because he had an exceptional³⁴ thing about him: he ruled over the upper and lower (worlds).³⁵ as it says: *And Solomon sat on the throne of the Lord as king instead of his father David, and he prospered, and all of Israel obeyed him* (1 Chronicles 29:23).

And is there not Sennacherib, as it is written: *Which among all the gods of those countries saved their lands from me* (Isaiah 36:20)? But there was Jerusalem which he did not conquer, as it is written, *that the Lord should save Jerusalem from me* (*ibid.*).

And is there not Darius, as it is written: *Then King Darius wrote to all the peoples and nations of every language that inhabit the earth, 'May your peace be multiplied!'* (Daniel 6:26)? But there were seven over which he did not rule, as it is written: *It pleased Darius to appoint one hundred and twenty satraps over the kingdom* (Daniel 6:2).

And is there not Cyrus, as it is written, *Thus said King Cyrus of Persia: The Lord God of Heaven has given me all the kingdoms of the earth* (Ezra 1:2)? There, he was merely boasting about himself.³⁶

This last line, in Aramaic and with slight variations in the manuscripts, demonstrates once again the BEM's negative attitude towards Cyrus. Significantly, Cyrus is the only king of the four (Solomon, Sennacherib, Darius, and Cyrus) who is not given a proof-text in support of his exclusion from the baraita's list of kings. Instead, in something of a literary tailpiece, the authors reject Cyrus as a legitimate world ruler based on a tradition that his biblical words as captured in Ezra 1:2 are unreliable. In resolving their own objection to the baraita ("But are there no more?"), the anonymous authors overrule the biblical citation by calling Cyrus' declarations in the name of the Jewish God untruthful and vain.

Although this passage draws from an array of other rabbinic sources, its grouping of these four kings together does not have any exact parallel in

³² The clause referencing Ashmedai is extant in MSS Columbia University and Göttingen. Even without these additions, the allusion to the Ashmedai story is made clear by the subsequent lines that parallel the Solomon-Ashmedai legend cycle in bGittin 68a-b and bSanhedrin 20b.

³³ Compare these lines about "a king and then a commoner" with bGittin 68a-b, bSanhedrin 20b, Song of Songs Rabbah 1.1.10, and Ecclesiastes Rabbah 1.1.12. The BEM here relies heavily on bGittin 68b, which in turn uses elements of bSanhedrin 20b. Segal, *BEM*, vol. 1, 150-51, rightly notes that the BEM's connection of the "king and commoner" and "upper and lower" themes to 1 Chronicles 29:23 is a Babylonian feature. Outside of the biblical citations and baraita, these are the only other lines in the cited passage that are in Hebrew.

³⁴ Or: "extra," "additional." Other MSS: "different."

³⁵ Rashi adds "the demons," and some translations read "the upper and lower (beings)."

³⁶ The MSS show some slight variations in the syntax and forms, none of which radically alter the meaning as translated.

Cyrus and Darius the Mede slew Belshazzar with a candlestick after listening to Daniel's prophecies.²⁹ The Targum Rishon of Esther goes so far as to make Cyrus the son of Esther from King Ahasuerus (Xerxes I).³⁰ In Palestinian midrashic sources, these types of positive attributes outweigh the critical scrutiny the Persian king receives for his lack of supporting the Temple and exiles. As we have seen, this theme of blaming Cyrus for his policy failures surfaces in bMeg. 12a, though unlike the Palestinian sources, the BEM does not halt its criticisms there, nor does it include any favorable traditions about the Persian king.

1.3. *Cyrus in bMeg. 11a-b*

The BEM's criticism of Cyrus appears in a second passage (bMeg. 11a-b) in which the authors argue against Ezra 1:2. In this passage, which shows signs of redactional activity, the authors make an ad hominem attack against Cyrus' personal character in an effort to support their larger argument that he should not be included in a list of kings who ruled under "the arch" of the heavens (*kipah*).³¹ Expanding on a baraita, the anonymous authors call Cyrus a boastful king whose biblical word recorded in Ezra 1:2 cannot be trusted:

The rabbis taught in a baraita: Three (kings) ruled under the arch (*kipah*). And they are Ahab, Nebuchadnezzar and Ahasuerus ...

But are there no more?

Cyrus' descent from Japheth, seen already in Pesiqta Rabbati 35.1, also appears in a complex text in the Bavli (bYoma 10a), where the rabbis explain in more detail Cyrus' relationship to Genesis 9:27 and 10:1-2, arguing that the Shekhinah only dwelt in the tents of Shem (i.e., Solomon's Temple) and not in the Second Temple. Not unlike the other Bavli passages about Cyrus explored in this paper, this text reverses the generally positive biblical allusion to Cyrus in Genesis 9:27, so that it comes to express the king's failure.

²⁹ The figure of Darius the Mede has long been a cause of debate among the rabbis and modern scholars alike, with various scholars unsuccessfully attempting to prove that he is Astyages, Cambyses, Gobryas, Cyaxeres, among others. None of these explanations has gone unchallenged. It is partly because of this same ambiguity that rabbinic literature frequently gives inconsistent traditions about the background of Cyrus and Darius the Mede. There are other passages in rabbinic literature (Exodus Rabbah III.1, Panim Aherim B [Buber, ed. 60-1], and bMeg. 12a) which tell stories about the cooperation between Cyrus and Darius the Mede, often in connection with Daniel 5:28: "Peres; your kingdom is divided, and given to Media and Persia." In general, Jewish texts relate that after Belshazzar the Babylonian empire was divided up between Media and Persia, two empires whose sequence and relationship are garbled in biblical and rabbinic sources. For more on this issue, see Segal's helpful discussion in *BEM*, vol. 1, 196-98.

³⁰ Bernard Grossfeld, *The Two Targums of Esther: Translated, with Apparatus and Notes* (Collegeville: The Liturgical Press, 1991), 74.

³¹ For the use of *kipah* in rabbinic literature, see Segal, *BEM*, vol. 1, 137-38, n. 127, where the author states that "the metaphor of 'ruling over the vault' (of the heavens) is, as far as I know, not found elsewhere in rabbinic literature, though the commentators all seem to be in agreement about its meaning."

tion of "Wrath," while in its subsequent Middle Persian forms, *xēšm* and the compound *xēšm-dēw*,⁴¹ it is, among other meanings, "the chief agent of the Evil Spirit (Ahriman)"⁴² in his disingenuous plots against mankind.

While a more detailed examination would be required to flesh out the many Iranian aspects of the Solomon-Ashmedai legend, one can see generally how both in the Zoroastrian literature and the Solomon legend, the appellation refers to a highly ranked destructive demon that enters the world and is pitted against humans. Also common to both traditions, wrath qua demon realizes itself psychologically in men, usually causing suffering. These parallels are true exclusively in the Babylonian versions of the Solomon tale, where the rabbis portray Ashmedai as a main protagonist, an expansion on the Palestinian aggadic traditions in which Solomon's punishment is the loss of his throne to an angel rather than to a demon.⁴³ Jewish representations of Ashmedai show a clear diachronic development in that later ones are significantly transformed from earlier ones. It seems reasonable to conjecture in light of this and other facts that some of the idiosyncratic details in the BT could have been influenced by the Middle Persian notion of *xēšm* or *xēšm-dēw*, themselves an expansion of an Avestan core,⁴⁴ which in turn may have been the source of the original Jewish borrowing to begin with. That *aēšma-* could have penetrated Judaism directly or indirectly is supported by the fact that the term is one of the most common ones mentioned in the Avesta,⁴⁵ and a central figure in Middle Persian literature.

My goal of presenting here Middle Persian and Talmudic parallels need not be restricted, however, to finding concrete evidence of Zoroastrian "influence" on aggadah. Rather, the goal, only begun here, should be seen as much more basic: to contextualize the Solomon-Ashmedai cycle within the Persian and Zoroastrian world, wherefrom the concept of chief of demons was derived, and wherein the Babylonian authors lived. By way of comparing the Middle Persian notion of *xēšm* and the characterization of Ashmedai in the BT, we can cite a piece of advice in the *Mēnōg-ī Xrad* ("The Spirit of

the Solomon-Ashmedai legend, consult Ginzburg, *The Legends of the Jews*, vol. 6, 299–300, n. 86.

⁴¹ The word *xēšm-dēw* appears in some later Middle Persian texts, e.g., in the *Dādestān ī dēnīg* 36.40: *xēšm dēw pad kōxšišn sārēnīdan ud ōzanišn abzāyēnīdan*, "(Ahriman designated) the demon Xešm to provoke strife and increase killing"; see Mahmoud Jaafari-Dehaghi, *Dādestān ī Dēnīg: Part I: Transcription, Translation and Commentary*, *Studia Iranica – Cahier* 20 (Paris: Association pour l'Avancement des Études Iraniques, 1998), 124–25. No compound comprising both *aēšma-* and *daēuua-* is attested in the Avesta.

⁴² Ginzburg, "Asmodeus," 754–55.

⁴³ *Ibid.*

⁴⁴ For an excellent outline of the Zoroastrian sources, see Shlomo Pines, "Wrath in Pahlavi, Jewish and New Testament Sources," in *Irano-Judaica*, vol. 1, eds. Shaked and Amnon Netzer (Jerusalem: Ben Zvi Institute, 1982), 76–82.

⁴⁵ Carey A. Moore, Tobit: *A New Translation with Introduction and Commentary* (New York: Doubleday, 1996), 147.

rabbinic literature. There are, of course, many passages in Palestinian literature that list “kings of the world” in various ways, several of which include Cyrus.³⁷ In fact, the reference to Cyrus in bMeg. 11a-b may have evolved from a Palestinian pericope similar to this one in Esther Rabbah 1.5: “Cyrus ruled over all of (the kingdoms of the world), as it is written, *Thus said King Cyrus of Persia: The Lord God of Heaven has given me all the kingdoms of the earth* (Ezra 1:2). Darius ruled over all of them ...” The BEM 11a-b and Esther Rabbah 1:5 share two important features. The first is that they are both commentaries to the same biblical lemma in Esther 1:1, namely “*one hundred and twenty-seven provinces*.” Second, they both use Ezra 1:2 in support of their competing claims regarding whether Cyrus was a world king. Whereas *Esther Rabbah* 1:5 interprets Ezra 1:2 in a literal way in support of its inclusion of Cyrus among the ten kings of the world, bMeg. 11a-b uses the same verse to arrive at the opposite conclusion, attacking its veracity and arguing against Cyrus’ inclusion into its special list of kings who ruled under the arch of the heavens.

2. The Iranian Context of bMegillah 11a-b

2.1. The Solomon-Ashmedai Legend

The passage in bMeg. 11a-b translated above exhibits several features that can be connected to the Iranian world. First, is the allusion to the well-known Solomon-Ashmedai legend cycle (cf. bGitt. 68a-b) which tells the tale of how the chief of demons, Ashmedai, took over Solomon’s throne, leaving him a beggar, after the king’s immoral wish “to be informed by the chief of demons concerning the mystic spheres”³⁸ in the hopes of obtaining the secret *shamir* for the building up of the Temple. Ashmedai, the name of the king of demons, is in all likelihood a borrowing from Iranian³⁹ and occurs in other Jewish texts, such as in The Book of Tobit, Testament of Solomon and the *Zohar*.⁴⁰ In the Avesta, *aēšma-* is the demonic personifica-

³⁷ See, for instance, PRE chapter 11, where Cyrus is listed as the seventh of ten kings who “ruled from one end of the world to the other.”

³⁸ Samuel Rapaport, *Tales and Maxims from the Midrash* (London: Routledge, 1907), 35.

³⁹ The etymology of Ashmedai’s name has been debated for decades, with some arguing that it is of Iranian origin, and others arguing it comes from the Hebrew root for “to destroy.” With such disagreement, a second approach should be to examine the content of the Solomon-Ashmedai legends vis-à-vis the Zoroastrian concept of Wrath, an approach, which is taken here. The similarities between the Jewish and Zoroastrian texts are too great to ignore as coincidence. For the opinion of an Iranian who supports this conclusion, see Jes Peter Asmussen, “Aēšma,” *EI* 1, 2 (1985): 479–80.

⁴⁰ See Louis Ginzburg, “Asmodeus,” in *The Jewish Encyclopedia*, vol. 3, ed. Isidore Singer (New York: Funk and Wagnells, 1901–06), 754–55. For a list of other references to

In contrast to bMeg. 11a-b, the usage of the Old Persian term *drauga-* generally translated as “Lie; deception” – though its more precise meaning is revealed in conjunction with a false claimant’s attempt to usurp the king’s throne – is of particular interest. In the Achaemenid royal lexicon, the term *drauga-* is highly intertwined with the notion of dynastic legitimacy,⁴⁸ in particular the fabrication of an advantageous genealogical descent by Darius the Great’s rebellious competitors who sought his throne:

DB 4.26–28⁴⁹

One (was) a Persian named Vahayazdāta. He lied. He said thus: “I am Bardiya, the son of Cyrus.” He made Persia rebellious.

DB 4.36–40⁵⁰

King Darius says: You who will be king henceforward, protect yourself fiercely from the Lie! Harshly punish the man who is a liar, when you think thus: “May my land be secure!”

As these two excerpts show, Darius defines all future legitimate Achaemenid kingship as being in direct opposition to moral and political forms of the “Lie.” By calling his rebellious competitors liars, Darius challenges their dynastic legitimacy, and the Achaemenid king maintains political order by battling all forms of untruth.⁵¹ We see a similar passage in the Aramaic version of Darius’ inscription from around the end of the fifth century B.C.E., discovered at the Jewish military settlement in Elephantine, Egypt:

DB Aramaic, §10, ll. 64–73⁵²

King Darius says thus: Whoever you are, o king henceforth ... guard yourself from huge lies ... Make known how you act ... Moreover, let not what a nobleman may do be good before you; observe also what a poor man may do ... Tell the truth to the people (and) do not conceal it. If you do not conceal it, Ahuramazda will bless you

II, eds. Carlo G. Cereti and Farrokh Vajifdar (Bloomington, Ind.: First Books Library, 2003), 383–434.

⁴⁸ See Bruce Lincoln, *Religion, Empire and Torture: The Case of Achaemenian Persia, With a Postscript on Abu Ghraib* (Chicago: The University of Chicago Press, 2007), 89.

⁴⁹ The translations of the Old Persian inscriptions in this paper are my own. The transcriptions are based on Rüdiger Schmitt, *The Bisitun Inscriptions of Darius the Great: Old Persian Text*, Corpus Inscriptionum Iranicarum, part I, texts I, ed. Harold Bailly (London: School of Oriental and African Studies, 1991), 68. For other passages that follow a similar formula for a rebellious liar-king, see DB 1.35–43, 1.72–81, 3.76–83, and 4.2–31.

⁵⁰ Based on Schmitt, *Bisitun*, 68. For other passages that mention the “Lie,” see DB 4.33–36, 4.40–50, and 4.61–69.

⁵¹ See, for instance, Darius’ inscription at *Naqsh-e Rostam*, DNb 22–24.

⁵² This translation is a slightly modified version of the one found in Bezalel Porten and Jonas C. Greenfield, *The Bisitun Inscription of Darius the Great – Aramaic Version: Text, Translation and Commentary*, Corpus Inscriptionum Iranicarum, part I, volume 5, texts I (London: Lund Humphries, 1982), especially 5, 48–50, and 67. I have not included the apparatus of notes that shows the many corruptions of this document.

Wisdom”), from which King Solomon, had he known it, would have benefited:

MX 2 16-19

*xešmīh ma kai ēē mard ka xešm gūred eg-iš kai ud ka bag ud namāz ud paristīšn ī yazdān framōš hawēd u-š hāmōyēn wināh ud bazag ō menišn ōftēd ud tā be nišastan ī xešm hāwand ahreman guft ēstēd*⁴⁶

Do not engage in wrathfulness (*xešmīh*), because once a man indulges in wrath (*xešm*), he thereupon forgets about his obligations, good deeds, prayers, and the worship of the gods, and all of his crimes and sins come to mind. And until the pacification of the wrath (*xešm*), one can say he is like Ahriman.

In this piece of *andarz* or “advice” literature, the author expresses how the individual can be punished for engaging in wrathfulness (*xešmīh*), which takes one away from the true religion, and leaves one mentally anguished in having to deal with his sins. The wrathfulness can, however, in the end be successfully pacified. Similarly, in the BT, King Solomon, having sought assistance from the king of demons, had to deal with the absurdity of going from king to beggar, and being seen as a madman by his own people, before finally regaining control of the throne. One of the theological underpinnings of both the Middle Persian passage and Solomon legend is an individual’s punishment for engaging the destructive demon. While, again, the origins of the Ashmedai legend need to be re-explored, understanding the Middle Persian context of the aggadic cycle can shed some light on its development and purpose.

2.2. Cyrus and the Lie

In addition to the Solomon-Ashmedai allusion, there is a second contextual point to be made about bMeg. 11a-b, a passage in which the anonymous authors attack the veracity of Cyrus’ scriptural voice in Ezra 1:2, in order to exclude him from a baraita’s list of kings who ruled under the arch of the heavens. When seen in its Persian context, this type of attack against the Persian king resonates well with what is by far one of the most common theological and political concepts in a variety of pre-Islamic Iranian sources – namely, the evil associated with all forms of lying and deceit, including political false speech. In various but interconnected ways, sources in Avestan, Old Persian, and Middle Persian all emphasize the negative aspects of lying.⁴⁷

⁴⁶ For the primary text, see E. T. D., Anklesaria, *Dānāk-u Mainyō-i Khard: Pahlavi, Pazand and Sanskrit Texts* (Bombay: Fort Printing Press, 1913), 10–11.

⁴⁷ For more on the relationship between the Avestan, Old Persian, and Middle Persian concepts of the lie, see Prods Oktor Skjærvø, “Truth and Deception in Ancient Iran,” in *Ātaš-e Dorun: The Fire Within: Jamshid Soroush Soroushian Commemorative Volume*, vol.

ble offences, and to be pegged as a liar, especially for a king, whose moral integrity should never have been questioned, one of the worst insults.⁵⁶ In the ninth-century Zoroastrian compilation the *Dēnkard*, the sin of lying applies to violating contracts or oaths (*mīhr druxtān, drōz-*),⁵⁷ as well as to an individual's moral standing, as seen in the following citation: *ud ēn-iz paydāg kū pahlom ēiš rāstīh ud watom ēiš drōzanīh*, "and this is also manifest: the best thing is the truth, and the worst thing is the lie."⁵⁸ Another exemplary passage in the *Dēnkard* discusses how a person "whose body is inhabited by wrath" (*xešm pad tan mehmān*) "tells many lies" (*was drōg gōwēd*):

*kē xešm pad tan mehmān ēg-iš daxšag ēn kū harw gāh ēiš ne šāyēd abāg guftan ka gōwēnd ne niyōxšēd ... kasān rāy drōg [KDBA]*⁵⁹ *was gōwēd (ud) ān ī abē-wināh was zanēd*⁶⁰

And the one whose body is inhabited by wrath (*xešm*), it is indeed a mark of his that it is not always possible to talk to him about affairs, and when they talk to him, he does not listen ... He tells many lies (*drōg*) to people, and often scolds the one who is innocent.

This passage outlines a misbeliever's immoral, wrathful behavior towards others in speech and action, a common theme in Zoroastrianism. Of the many Pahlavi texts that mention lying, this one is particularly interesting because it juxtaposes the two notions of wrath and lying, the same notions which bMeg. 11a-b evokes, albeit in very different forms, in its references to the Ashmedai legend and Cyrus' false proclamation. While we should be

mic order (see Yasna 8.53, for instance) and in accord with demons, battles and hell, among other things. For other representative Avestan passages, see Yasna 8.8, 8.53, 9.20, 10.16, 61.4, *Yasht* 1.28, and *Videvdad* 17.11. In one hermeneutical expansion of the Avestan notion of falsehood in the ninth-century Pahlavi book the *Dādestān-ī Dēnīg*, lying is connected with wicked souls that go to hell: "(Ahriman) made the Lie (*drō*) master over their souls in order to make (them) evil and hellish. (The Lie) is called *mihōxt* in the language of the Avesta," *u-š ō druwandēnīdan [ud] dušoxīg kerdan ī-šān ruwān pad sālārīh drō [kerd] kē pad ēwāz ī dēnīg xwānīhēd mihōxt* (see Jaafari-Dehaghi, *Dādestān- ī Dēnīg*, 126–27).

⁵⁶ Albert de Jong, "Sub Specie Maiestatis: Reflections on Sasanian Court Rituals," in *Zoroastrian Rituals in Context*, ed. Michael Stausberg (Leiden: Brill, 2004), 349, points out that the Christians of Sasanian Iran "regularly presented the kings as spiteful and hateful characters" even though it ran counter to the Persian rule of etiquette of never evaluating a king's moral integrity."

⁵⁷ See, for instance, *Dēnkard* 5, chapter 19.12, in Jaleh Amouzgar and Ahmad Tafazoli, *Le cinquième livre du Dēnkard: Transcription, traduction, et commentaire*, Studia Iranica – Cahier 23 (Paris: Association pour l'Avancement des Études Iraniques, 2000), 62.

⁵⁸ Transcription based on Shaked, *The Wisdom of the Sasanian Sages*, 134.

⁵⁹ In Pahlavi, the word for a lie *drō(g)* is represented by the Aramaic heterogram KDBA.

⁶⁰ Based on the Pahlavi text in Madan, *Dēnkard*, 487. See also Shaked, *The Wisdom of the Sasanian Sages*, 28–29.

and your descendants will become numerous, and your days longlasting. But if you do not conceal it, Ahuramazda will curse you and you will have no descendants.

The Jewish audience of this proclamation probably saw in it an intimation of Proverbs 30:8, which reads: "Remove falsehood and lies from me, give me neither riches nor poverty." As the case of the Aramaic version of the Bisitun inscription illustrates, the powerful message of the king, that is, his ability to battle lies as a principle of his dynastic legitimacy, had reached many of the inhabitants of the Persian empire, including the Jews.

In light of Darius' associating illegitimate rule with "Lie," the BEM's attack against Cyrus' proclaiming his world dominion is contextually potent according to ancient Achaemenid discourse. The authors of bMeg. 11a-b delegitimize Cyrus as a world ruler by refuting Ezra 1:2 as an example of a boastful king who spoke falsely, the same charge the Achaemenids themselves would use to challenge a rival king's legitimacy. Consciously or not, the authors choose a criticism whose Persian cultural-contextual implication helps to reinforce their hermeneutical argument that Cyrus is not to be considered a world monarch. When we simultaneously embrace both text and context, we can see how the *ad hominem* attack in bMeg. 11a-b demotes Cyrus' legacy from the point of view of both rabbinic and Persian discourses. Driven by internal exegetical concerns, the one-line criticism of Cyrus is an example of how the ancient Persian context of Babylonian Jewish history prompted some of the unique content of Jewish texts, including in the BEM.⁵³

2.3. *Lying in Middle Persian Sources*

The notion of "battling lies" continues on in an expanded form in Middle Persian sources,⁵⁴ at times augmenting the notion of falsehood in the Avesta.⁵⁵ In these Zoroastrian texts, a lie in any form is one of the worst possi-

⁵³ It is worth noting here that James Barr, in his article "The Question of Religious Influence: The Case of Zoroastrianism, Judaism, and Christianity," *JAAR* 53, no. 1 (1985): 201–35, especially 225, where he concludes that it "has been widely accepted that the Qumran documents display some effect of the dualistic Iranian opposition between 'Truth' and 'the Lie.' I have already pointed out that the essential Iranian concept of *drug* or *druj* 'the Lie' was not borrowed as a loanword into Hebrew ... but was expressed in Hebrew." If this is indeed the case, then the two Iranian aspects of BEM 11a-b (Wrath and the Lie) explored in this paper could have their origins in the Second Temple era.

⁵⁴ Similar to Bisitun, some Sasanian inscriptions also connect illegitimate kingship with the notion of "Lie." The Paikuli inscription of Narseh I (ca. 290), for instance, describes "the usurper Wahnām, who seduced and put on the throne the young Wahrān III" as a man possessed by the "Lie"; see Skjærvø, "Truth and Deception in Ancient Iran," 401.

⁵⁵ In Avestan, the word *drug*-, "falsehood, deceit, lie" and its frequent binary opposite *aša*- "truth," form one of the cornerstones of ancient Zoroastrian dualism. The "Lie" appears extensively in the Gathas, continuing on in Younger Avestan texts as *draoga*-, and is often depicted as a personified and abstract notion standing in opposition to the right cosmic order (see Yasna 8.53, for instance) and in accord with demons, battles and hell,

the verse in Ezra 6:14, where Cyrus, Darius, and Artaxerxes are mentioned side by side. It is important to keep in mind that there are two types of conflation of Achaemenid kings in rabbinic literature, namely, those in which the rabbis consciously fuse the Achaemenid kings as an act of creative exegesis, and those in which they unintentionally confuse the events of their biblical past as the natural result of the passing of many centuries. It is likely the case that the passing of time and loss of accurate memory made the rabbis view the conflation of the biblical Achaemenids as little more than a literary and hermeneutical act. Whatever the case, the fluidity of biblical interpretation allowed the rabbis consciously to conflate the Achaemenid kings into a single character.

It is important to cite one passage which demonstrates the rabbinic method of conflating Achaemenid kings (bRosh Hashanah 3b) here, since it contains yet another Babylonian criticism of Cyrus. In the midst of a lengthy discussion dealing with the dating of New Years, this passage deliberates over the proper way to date the reigns of gentile kings, including those of Cyrus and Darius. The discussion is over whether gentile kings are to be dated from the month of Nisan, as Israelite kings are, or from the month of Tishri. In this complex and multilayered passage, the Babylonian amora Rav Yosef (ca. 290–320) objects to the Palestinian R. Abbahu's methods and conclusions when the latter conflates Cyrus with Darius for exegetical purposes and argues that Cyrus was a virtuous king who is to be dated like an Israelite king:

Rav Yosef challenged (the argument that the reigns of non-Israelite kings are dated from Tishri): It is written,⁶³ *on the twenty-fourth day of the sixth month in the second year of King Darius* (Haggai 1:15). And it is written: *on the twenty-first day of the seventh month, the word of the Lord came through the prophet Haggai* (Haggai 2:1). Now if it is so, then it should have said: In the seventh month in the third year!

R. Abbahu⁶⁴ said: Cyrus [KoReSH] was a virtuous [KoSHeR] king. They therefore dated his reign like the kings of Israel.

Rav Yosef objected to this. First,⁶⁵ if this is so then (there are) biblical verses (which) contradict one another, for it is written: *The house was completed on the third of the month of Adar in the sixth year of the reign of King Darius* (Ezra 6:15). And it has been taught in a baraita: At the same time the following year Ezra went up from Babylonia with his group of exiles. And it is written:⁶⁶ *He arrived in Jerusalem in the fifth month in the seventh year of the king* (Ezra 7:8). Now if it is so, then it should have said: In the eighth year!⁶⁷

⁶³ MS Munich 95 adds: It is written.

⁶⁴ MS Munich 95: R. Abba.

⁶⁵ This word is not in MSS Munich 95 or British Library.

⁶⁶ MS Oxford adds Ezra 7:7 here: "Some of the Israelites, the priests, and Levites, the singers, the gatekeepers and the temple servants set out for Jerusalem in the seventh year of King Artaxerxes."

⁶⁷ This sentence is not in the Oxford manuscript. British Library adds: In the fifth month in the eighth year of the king.

cautious not to push this type of evidence too far, it should not surprise us that, of all the Zoroastrian concepts in circulation in Sasanian Babylonia, it is these two highly formative and ubiquitous concepts, which would appear in Judaized form in Jewish texts emanating from Babylonia.

In making these points about the Iranian context of bMeg. 11a-b, I do not wish to ignore the fact that the highly self-absorbed rabbis were in all likelihood not consciously concerned with thinking about Cyrus (or any other Achaemenid king) by drawing upon the ethical discourse of Achaemenid proclamations, or that of Sasanian Mazdeism. This inward-looking tendency is often the case in rabbinic scriptural interpretation, especially in the Bavli. More than anything else, internal literary and exegetical concerns motivated the rabbis' discussion of Cyrus in bMeg. 11a-b. Yet, as a natural complement to our understanding of the Babylonian rabbis' literary and exegetical considerations of biblical Persia, the study of the Persian and Mazdean contexts of rabbinic traditions reveals a cultural and contextual subtlety in their attitudes and choice of content.

2.4. *The Conflation of the Achaemenid Kings in bRosh Hashana 3b*

As noted in the introduction to this paper, Louis Ginzburg was the first scholar to make note of the unexpected criticisms of Cyrus in the BEM, arguing that the criticisms of Cyrus were expressions of the rabbis' political discontent with Sasanian rulers.⁶¹ Although Ginzburg makes connections, which in my opinion the Cyrus texts do not always support, he is, however, correct in suggesting that this type of anachronistic conflation of identities never posed a problem to the rabbis, with their exegetically motivated mindset. The rabbis often consciously conflate history and historical personages for the hermeneutical purpose of relating biblical texts and their embedded historical narratives to their own circumstances and legal discussions without any requirement of seeking some sort of objective historical truth beyond their aggadic and legal ones.

In the case of Achaemenid kings, however, the late antique rabbis, who were many centuries removed from their biblical past, conflate the Achaemenid kings with only one another, without going further than this.⁶² In fact, the practice of consciously conflating the Achaemenid kings into a single identity is routine in rabbinic literature, maybe having originated with

⁶¹ Ginzburg, *The Legends of the Jews*, vol. 6, 433, and n. 7.

⁶² Although there are many varying traditions, the references to Achaemenid kings in ancient Jewish literature can be generically summarized as follows: Cyrus the Persian = Cyrus the Great. Darius the Persian = Darius I. Ahasuerus = Xerxes I (except in the Septuagint, Peshitta, Josephus, and some rabbinic texts, where he is probably Artaxerxes II). Artakhshasta = Artaxerxes I. The Aramaic Passover Papyrus refers to Darius II, and I Maccabees refers to Darius III. Darius the Mede and the reference to his father Ahasuerus the Mede (Daniel 9:1) are still unexplained.

2.5. Cyrus and Darius in Old Persian Sources

In the Achaemenid era, the legacy of Cyrus was already being curtailed by the time of Darius I (522–486 B.C.E.) who, in a *coup d'état*, conspired in a ploy against the usurper-king Bardiya with the help of six Persian colluders.⁷¹ In order to maintain control over the many rebellions in his new empire, Darius and his entourage constructed a false genealogy for the new Persian king that legitimized his reign by claiming Darius' descent from Cyrus, the "king of Anshan." In so doing, Darius and his clan made Cyrus into "the fictive ancestor of the new royal family."⁷² As recorded in Bisitun, Darius arrogated to himself the genealogy of Cyrus by creating a forged continuity between them through Teispis, the actual great-grandfather of Cyrus. Darius thus assumed the throne as a descendant of one "Achaemenes," whom the king conveniently labeled the father of Teispis. The genealogy thereby reckoned Cyrus and Darius to be relatives through Teispis' two sons, Cyrus I and Ariaramnes.

In connecting himself to the former king, Darius is careful not to give "Cyrus, king of Anshan" too much credit as the empire's founding father. Perhaps because he wanted to conceal Cyrus' Anshanite heritage, which we shall discuss below, Darius, who strongly stressed his Persian roots, placed Cyrus in a supplementary position in the new dynastic chain. In other words, Darius explicitly connects his own reign to the line of Cyrus while at the same time diminishing the actual and no doubt impressive legacy of the empire's founder. Darius' genealogy in the Bisitun inscription, when compared with Cyrus' oldest genealogy on the Cyrus Cylinder, reflects well Darius' co-opting of Teispis into his genealogy:

I am Cyrus, king of the world, great king, mighty king, king of Babylon, king of Sumer and Akkad, king of the four quarters, son of Cambyses, great king, king of Anshan, grandson of Cyrus, great king, king of Anshan, descendant of Teispes, great king, king of Anshan. (of an) eternal line of kingship ...⁷³

DB 1:1–7⁷⁴

I am Darius, the great king, king of kings, king in Persia, king of the lands, the son of Hystaspes, the grandson of Arsames, an Achaemenid. King Darius proclaims: My

⁷¹ The following interpretations of Achaemenid history are not uncontested. The account given in this section by and large follows the recent interpretations of Daniel T. Potts, "Cyrus the Great and the Kingdom of Anshan," in *Birth of the Persian Empire*, The Idea of Iran, vol. 1, eds. Vesta S. Curtis and Sarah Stewart (London: Tauris, 2005), 7–28, and Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire*, trans. by Peter T. Daniels (Winona Lake: Eisenbrauns, 2002), 13–161.

⁷² Briant, *From Cyrus to Alexander*, 111.

⁷³ Translation of Mordechai Cogan, "Achaemenid Inscriptions: Cyrus Cylinder," in *The Context of Scripture*, vol. 2: *Monumental Inscriptions from the Biblical World*, ed. William W. Hallo (Boston: Brill, 2000), 315.

⁷⁴ My translation is based on the transcription in Schmitt, *Bisitun*, 49.

Furthermore, are they (even) comparable? Here (R. Abbahu speaks about Cyrus), whereas there (the verses in Haggaï) speak about Darius!

It has been taught in a baraita: He is Cyrus, he is Darius and he is Artaxerxes. He is (called) Cyrus because he was a virtuous king. He is (called) Artaxerxes on account of his kingdom. And what is his name? His name is Darius.

Nevertheless, the (first) difficulty (remains).

R. Isaac said:⁶⁸ There is no difficulty. Here, before he soured (and therefore his reign was dated from Nisan), whereas here, after he soured (and therefore his reign was not dated from Nisan).⁶⁹

In many ways, this is a typical Talmudic text, with biblical, tannaitic, amoraic, and anonymous materials in both Hebrew and Aramaic juxtaposed side by side by its redactors. What one immediately notices about this passage is the stark contrast between the attitudes of the Palestinian and Babylonian sages towards a tradition in which Achaemenid kings are conflated, and wherein Cyrus is called virtuous first by R. Abbahu and then reinforced by the baraita. The Palestinian sage R. Abbahu, who argues for dating Cyrus like an Israelite king, not only cites the conflation tradition, but also puts it into practice by interjecting Cyrus for Darius the king, whom Rav Yosef was originally analyzing. The Babylonian Rav Yosef then objects to R. Abbahu's interjection on several counts, one being against the Palestinian sage's open exchange of Cyrus for Darius, a method of which he is unaware. In resolving the matter, the Talmud answers Rav Yosef's second objection first with an onomastic baraita about Cyrus, Darius, and Artaxerxes, from which R. Abbahu was drawing his statements.⁷⁰ With the attributions to the baraita and R. Abbahu, this passage leaves us with the impression that the phenomenon of conflating the Achaemenid kings was more native to Palestine than Babylonia. Whether this impression is the full story or not is hard to say without further unraveling the confusion of information about the Achaemenid kings in Jewish and other ancient literatures, including the propaganda of the Achaemenid empire.

⁶⁸ This attribution is not in MS Oxford.

⁶⁹ Compare yRH 1.1 where there is a long discussion on the topic of dating regnal years, and which contains the only reference to Cyrus in the Yerushalmi (in a biblical citation of Daniel 10:1).

⁷⁰ There seems to be a correlation between the conflation tradition cited in the baraita and by R. Abbahu and rabbinic name-play. The literary device, found in bRH 3b, also appears in another conflation tradition, this time between Artaxerxes and Ahasuerus, in Esther Rabbah 1.3: "Ahasuerus. R. Levi and the Rabbis differed on this. R. Levi said: Ahasuerus is the same as Artaxerxes. And why was he called Ahasuerus? Because no one could mention him without feeling a headache (*khosesh et rosho*). The Rabbis said: Artaxerxes was the same as Ahasuerus. And why was he called Artaxerxes? Because he used to fall into a passion and then be sorry (*martiakh vekhash*)."⁷¹ Of the five etymologies cited here and above, only the one for Artaxerxes in bRH 3b has some correspondence to the name's meaning in Old Persian (Artaxerxes in Old Persian means "whose reign is through truthfulness"). Other rabbinic conflation traditions about the Achaemenids appear in *Seder 'Olam*, chapter 28, and Josephus.

3. Cyrus and Darius in Middle Persian Sources⁷⁹

When the Sasanians came to power, the rise in importance of Zoroastrianism in their political realm affected the way the new Persian kings explained their royal origins and their relationship to the past, including to the Achaemenids. Not necessarily seeking any objective truth about their Achaemenid forebears, and perhaps even possessing relatively little accurate memory of them, the Sasanians integrated into their myth of origins a religious ideology steeped in Avestan epic traditions and figures with whom they claimed to be genealogically connected. Around the fourth and fifth centuries C.E., the Sasanians began to legitimize the origins of their royal authority by aligning themselves, as well as the only three Achaemenid kings mentioned in Middle Persian texts (Darius I, Darius III, and Artaxerxes II),⁸⁰ to the legendary Kayanid dynasty (i.e., the *kavis* of the Younger Avesta), basing their part-legendary, part-historical genealogy on the ideal Zoroastrian model of divine paternal ancestors.⁸¹ Although this process of adopting and adapting a royal genealogy developed over time, the best documentary evidence that we have of the appropriation by the Sasanians of the Kayanids as their ancestors is from the late fourth century, when Sasanian coinage for the first time uses the title "Kayanid" (*kdy*) in reference to Shapur III (383–388).⁸² Thus, from at least this reign on, the Sasanians derived their political ideology in part from a religious system such that it allowed the Sasanian royal house to integrate itself into the Zoroastrian historical drama that was still in the process of unfolding in their own time. With respect to the origins of the royal authority of Sasanian kings, the Middle Persian *dibīrs* ("scribes") gave precedence to their Zoroastrian worldview and related political agenda over any sort of quest for an objective history of their ancestors, including when it came to their Persian forebears, the Achaemenids.⁸³

⁷⁹ This article unfortunately cannot deal with the complicated issue of the legacy of the Achaemenids among the Parthians. Suffice it to mention here that the later Parthians appear to have also connected their reign to the Achaemenids, though this is of course a debated issue. To cite just one tradition in support of the connection, Artabanus III (79–81 C.E.) named one of his sons Darius and claimed to be an heir of Cyrus, if we are to believe Tacitus (*Annals* 4.31). For more on this topic, see Jacob Neusner, "Parthian Political Ideology," *IrAnt* 3 (1963): 40–59.

⁸⁰ Such that Dārā I = Darius I, Dārā II = Darius III, and Ardaxšīr ī Kay = Artaxerxes II.

⁸¹ See the discussion on this final point in Vladimir Lukonin, "Political, Social and Administrative Institutions, Taxes and Trade," in *The Cambridge History of Iran*, vol. 3, 2, ed. Yarshater (Cambridge: Cambridge University Press, 1983), 681–746, especially 696–98.

⁸² *Ibid.*, 697.

⁸³ See Lukonin, "Institutions," 692, where the author explains how Sasanian genealogy can be divided into a historical part and a legendary part.

father is Hystaspes, Hystaspes' father is Arsames, Arsames' father was Ariaramnes, Ariaramnes' father was Teispis, (and) Teispis' father was Achaemenes.

In the Cyrus Cylinder, Cyrus is not called an Achaemenid, nor a Persian, but a king from a family of "kings of Anshan," a major city in the kingdom of Elam over which Cyrus' ancestors, possibly Teispis, took control ca. 646 B.C.E.⁷⁵ In Bisitun, Darius never mentions Cyrus' Anshanite heritage and purposefully disconnects Cyrus' origins from the kingdom, a propagandistic ploy that King Darius continued in the fake inscriptions he ordered engraved in Cyrus' name: "I am Cyrus the king, an Achaemenid."⁷⁶ In this pseudo-autobiographical inscription, Darius dubs Cyrus simply "a king" (and not "king of Anshan") and "an Achaemenid." In composing both Bisitun and the fake inscriptions, Darius was able to accomplish his multilevel rhetorical needs as the new Persian king: to connect himself to Cyrus through the Achaemenid-Teispid line so as to legitimize his claim to the throne, to not recall Cyrus' past achievements so as to overshadow his own reign, and to erase the contradiction between his own Persian heritage and Cyrus' Elamite connection so as not to be seen as a usurper.

Cyrus' Elamite identity has been stressed Daniel T. Potts who summarizes nicely the overall implications of Darius' *coup d'état* and manipulation of Cyrus' legacy:

Finally, if what we today call the *Persian* empire was, in fact, originally an *Anshanite* empire, established by Kurash, king of Anshan, then its creation must be seen not as a new creation *ab novo* but as a major *revival* in the political fortunes of a group... By the same token, if the kingdom so brilliantly expanded by Cyrus was Anshanite, then Darius' seizure of power upon the death of Cyrus' son Cambyses emerges as a Persian *coup d'état* which replaced the Anshanite, Teispid family of Cyrus with the Persian line of Achaemenes headed by Darius [Potts' italics].⁷⁷

Darius' motivations in rewriting the details of Cyrus' history was thus two-fold: on the one hand, he depended on Cyrus' legacy insofar as he needed it to verify his own genealogical legitimacy to the throne, while on the other hand, he downplayed Cyrus' accomplishments as king of Anshan in order not to overshadow his reign or contradict his Persian line.⁷⁸ Darius' negative agenda against Cyrus may have been compelling, in part since, as we shall now see, the Sasanians did not give the king any special role in their royal genealogy, nor did they mention him at all in their writings.

⁷⁵ See Briant, *From Cyrus to Alexander*, 16–17.

⁷⁶ CMa–c. See Pierre Lecoq, *Les inscriptions de la Perse achéménide: Traduit du vieux perse, de l'élamite, du babylonien et de l'araméen* (Paris: Gallimard, 1997), 185–86.

⁷⁷ Potts, "Cyrus the Great and the Kingdom of Anshan," 23.

⁷⁸ See also Briant's comments, *From Cyrus to Alexander*, 181–83.

“the Mede” (Daniel 5:30-31) and Darius the Persian, with the latter, like in the Persian epic tradition, representing the last Achaemenid king before Alexander. These parallels, while perhaps not indicative of clear-cut influence, are important to the extent that they represent a comparable collective memory on the part of both religious groups when it came to the Achaemenids, an affinity that could allow for a further exchange of ideas between Iranian Gentiles and Jews on such a subject. The Babylonian rabbis who authored the BEM, for all their ahistorical tendencies, were in fact highly preoccupied with deciphering the chronographic realities of the past Achaemenid kings as it related to the momentous events of the Second Temple era, a preoccupation seen in the rabbis’ heavy borrowings from and analysis of the tannaitic chronological midrash *Seder ‘Olam* (e.g., the computations surrounding Ahasuerus’ banquet in bMeg. 11b-12a).⁸⁷ It seems possible, based on these indicators, that there are further parallels to be found between Persian and Jewish, especially Babylonian rabbinic, chronologies of the ancient Persian empire.

In Middle Persian literature, as we have seen, Dārā I and II are binary figures, being both historical kings of old, as well as scions of the Kayanid dynasty. The dual status of these figures becomes even more complex and intersectional when we see that the Sasanians adopt “the family of Dārā” as an ancestor of Sāsān, the founder of their cult and father of Ardašīr, the first Sasanian monarch. In this way, the tripartite amalgamation of the Achaemenids-Kayanids-Sasanians intersects in the figure of Dārā, as seen in the *Kārnāmag*, “The Book of Deeds”:

KAP 1.6, 1.8–9; 1.14–16⁸⁸

Ud Sāsān šubān Pābag būd ud hamwār abāg gōspandān būd ud az tōhmag [ī] Dārāy ī Dārāyān būd ... Pābag nē dānist kū Sāsān az tōhmag [ī] Dārāy ī Dārāyān zād ēstēd Pābag šab-ēw pad xwamm did ēyōn ka xwaršēd az sar ī Sāsān bē tābēd ud hamāg gēhān rošnīh gīrēd

Pābag ka-š ān saxwan āšnūd kas frēstād ud Sāsān ō pēš xwāst ud pursīd kū tō az kadām tōhmag ud dūdag hē az pidarān ud niyāgān ī tō kas būd kē pādixšāyih [ud] sālārīh kerd Sāsān az Pābag pušt ud zēnhār xwāst kū-m wizend ud zyān ma kun Pābag padīrīft ud Sāsān rāz ī xwēš ēyōn būd pēš [ī] Pābag guft

And Sāsān was Pābag’s shepherd, and he was always with the sheep. He was from the family of Dārā, son of Dārā ... Pābag did not know that Sāsān had been born from the family of Dārā, son of Dārā. One night Pābag saw in a dream that the sun was shining from the head of Sāsān and illuminating the entire world ...

When Pābag heard the words [of the dream-interpreters], he sent someone and summoned Sāsān in front of him, and asked: “What race and family are you from? Was

⁸⁷ See also the helpful discussion on the use of *Seder ‘Olam* in the BEM in Segal, *BEM*, vol. 3, 236–39.

⁸⁸ Transcription based on Frantz Grenet, *La geste d’Ardashir fils de Pabag: Kārnāmag ī Ardašēr ī Pābagān* (Die: Éditions A Die, 2003), 54–56.

The Middle Persian depictions of the Achaemenid kings – of which only three are mentioned – also follow this general trend towards adopting a Kayanid genealogy and identity. Hence, according to our sources, Dārā I and Dārā II are great-grandson and grandson of the Kayanid Bahman Ardašīr.⁸⁴ These two Kayanid kings named Dārā, in contrast to Cyrus' complete absence in Middle Persian, are given full treatment in the epic traditions of the Sasanian and post-Sasanian eras. In the following quote in the *Šāhnāme*, for example, Dārā I is, after being abandoned on a river and raised by a miller, finally identified by his mother as being of heir to Bahman Ardašīr, as she crowns him king:

Know, she said, "that in all the world this prince is the sole heir to King Bahman: everyone must obey him, for he is the shepherd and his warriors are his sheep. Greatness, sovereignty, and military might belong to him, and it is your duty to support him." A shout of joy went up from the palace, and men said that they had seen a new shoot of the royal stock.⁸⁵

In the Persian epic tradition, Dārā I takes over as king because of his being the last heir to the Kayanid King Bahman. Dārā II eventually takes over for his father and, as the last Kayanid king, is defeated by Alexander.

This latter sequence of events – Dārā II losing to Alexander – apparently reflects the actual historical event of Alexander's conquests over Darius III Codomannus. The strong Kayanid slant notwithstanding, there are other details in the Sasanian and post-Sasanian depictions of Dārā I and II that reflect historical fact. These historically accurate details tend to not be presented by the authors as such, and require the modern scholar to posit the connection. To give one example, Ṭabarī records that Dārā I launched a postal system, a reform that we know Darius I actually did undertake.⁸⁶ From this bit of evidence and others like it, including the chronographic position of Dārā II being the last king before Alexander, it appears that the Kayanids Dārā I and Dārā II can be identified as Darius I and Darius III, respectively.

It is worth noting here that the appearance in Persian historiography of two kings named Darius, and not the actual three, also corresponds to the Jewish tradition's understanding of Achaemenid royal chronology. Two Dariuses are named in the Hebrew Bible, that is, the still mysterious Darius

⁸⁴ The figure of Bahman, a Kayanian king, is not mentioned in the Avesta, but is in the *Bundahišn* (36:9) and various other Pahlavi and Arabic sources. Bahman is given various sobriquets, including "the long-handed" (*derāz-dast*) in a twelfth-century Persian historical text, an apparent reference to Artaxerxes I Longimanus. Furthermore, Arabic sources connect this Bahman to both Esther and Cyrus the Great. For a synopsis of the admixture of these traditions regarding Bahman, see Djalal Khaleghi-Motlagh, "Bahman," *Elr* 3 (1989): 489–90.

⁸⁵ Translation of Dick Davis, *Shahnameh, The Persian Book of Kings* (New York: Viking, 2006), 451.

⁸⁶ Ahmad Taffazoli, "Dārā(b)" in *Elr* 7 (1996): 1–2.

about Cyrus in the construction of their imperial identity, the Babylonian rabbis, because of their pious calling of scriptural interpretation, were forced to treat the many texts that praised the Persian king in spite of their dislike. Faced with Isaiah 45:1, Ezra 1:2, Esther Rabbah traditions, and the *hara'ita*/R. Abbahu adulatory tradition of conflation, the Babylonian rabbis consistently attempt to reverse the positive connotations of such texts. In the BEM and bRH 3b, Cyrus is not the anointed one, not a world king or king under the arch, not to be dated from Nisan, and not to be given a flattering etymology. It would appear that for all of these sources the Achaemenid and/or Sasanian attitude towards Cyrus had an effect on how the Babylonian exegetes depicted the Persian king of their biblical past.

be Achaemenid-era influences on the BEM's depictions of the ancient Persian kings, thus Achaemenid-era influences on the BEM's depictions of the ancient Persian kings, thus suggesting an early date for at least certain strata of the BEM. Complicating this position, however, is the fact that bMeg. 11a-b and bRH 3b show signs of later editorial activity. Segal, *BEM*, vol. 3, 257, discusses this issue relative to how to determine whether images of the Achaemenid royal court were "Sasanianized."

Was there someone among your fathers and ancestors who exercised sovereignty and authority?" Sāsān sought the support and protection of Pābag: "Do not injure or harm me!" Pābag agreed, and (so) Sāsān related his secret, as it was, in front of Pābag

Adding this passage to what we already know of the family of the Dārāyāns, it becomes clear that in the Zoroastrian-driven Sasanian genealogy, Dārā II is a liminal figure, standing in between legend and history, reflecting both Kayanid and Achaemenid truths, and literally representing in Persian epic traditions the chronographic link between the mythic Kayanids, the coming of Alexander, and the eventual establishment of the Sasanians as kings. Of all choices of kings, it is through Darius, transformed into the Kayanid Dārā, that the Sasanians could claim descent from both the Kayanids and Achaemenids simultaneously. Even if this construct represents an unintentional crossover of legend and history as embodied in the figures of Dārā I and II, it reveals how memory and religion became intertwined in the construction of a genealogy and larger historical consciousness that served the political needs of the Sasanian kings and Zoroastrian priests. Thus Dārā – an actual historical figure, whether or not remembered as such – played a central role in the Sasanian construction of their royal genealogy. Adding to the family's import, the *Denkard* (4:15) praises Dārā I as the pious king who ordered the writing down and preservation of two copies of the Zoroastrian Scriptures, the Avesta and Zand.⁸⁹ The Middle Persian *dibīrs*, who were focused on religious matters, including law and Avestan scriptural interpretation, had no problem creating an anachronistic mélange of Kayanid-Achaemenid-Sasanian realities for the higher purpose of constructing a historiography which suited the empire's political and religious exigencies. The Middle and New Persian characterizations of Dārā are the literary embodiment of this trend.

Conclusion

This paper has examined how the Iranian context of the BEM sheds light on its negative representations of Cyrus the Great. As we have seen, these negative representations of Cyrus stem less from the Babylonian rabbis' own experiences with their contemporary Sasanian rulers than from the negative and manipulated position of the king within Persian historiography, a phenomenon which a look at the role of Darius in Old and Middle Persian sources helps clarify.⁹⁰ Unlike the Sasanians who could maintain silence

⁸⁹ See the translation of this passage by Mansour Shaki, "The Dēnkard Account of the History of the Zoroastrian Scriptures," *Archiv Orientalni* 49 (1981): 114–25.

⁹⁰ When the Persian anti-Cyrus trend influenced the Jews of Babylonia is nearly impossible to determine given the nature of the talmudic evidence, though there appears to

David Halivni-Weiss² and Shamma Friedman,³ that Talmudists acquired the necessary tools to conduct the kind of responsible historical research that the field enjoys today.

Both Halivni and Friedman developed and subsequently sharpened a theory of the "Stam" – the anonymous editor-redactors of the Talmud – that affords an intriguing view of the composition of Talmudic *sugyot* (discourses). This theory and its accompanying methodology contrast amoraic statements with later anonymous interpretation. Following careful analysis, scholars reconstruct the manner by which the *Stam* culls early traditions from a variety of rabbinic sources, occasionally reworks them, and finally places them within the framework of a *sugya*.⁴ Although an ironclad scholarly consensus has yet to emerge concerning the nature or dating of the *Stam*, a majority of Talmudists concur that the Bavli as it has come down to us is largely the product of its late, anonymous redactors. This heightened awareness of the role of the *Stam* in the production of the Bavli has allowed Talmudists to get a better sense of the cultural context of these anonymous sages.⁵ Indeed, on account of the vagaries of oral transmission and the sometimes deliberate reworking of amoraic traditions, scholars often find themselves on more stable ground when describing the world of the redactors than when discussing named Babylonian rabbis.⁶ Although their names are

² David Weiss Halivni's approach is outlined in his *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge: Harvard University Press, 1986), 76–92; *idem*, "Iyyunim be-hithavot ha-talmud," *Sidra* 20 (5765): 69–117; also in the introductions to his *Meqorot u-mesorot*, 7 vols. (Tel Aviv and Jerusalem: Mosad Bialik and Magnes Press, 1969–2007), now published in one volume as *Introductions to Sources and Traditions* (Jerusalem: Mosad Bialek, 2009). Weiss Halivni's broadest and most recent articulation of his theory is found in the introduction to the final volume of *Meqorot u-mesorot*, which is a commentary on tractate Bava Batra. See also Adiel Schremer, "Stammaitic Historiography," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey Rubenstein (Tübingen: Mohr Siebek, 2005), 219–35.

³ See Shamma Yehudah Friedman, "Pereq ha-isha rabbah be-bavli, be-tziruf mevo klali al derekh heqer ha-sugya," in *Mehqarim u-Meqorot*, vol. 1 (New York: Jewish Theological Seminary of America, 1978).

⁴ For a general description of rabbinic redaction-criticism, see Catherine Heszer, "Classical Rabbinic Literature," in *The Oxford Handbook of Jewish Studies*, ed. Martin Goodman (Oxford: Oxford University Press, 2002), 128–32. For source criticism of the Bavli, see Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in *The Cambridge History of Judaism*, vol. 4, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 840–76.

⁵ For a recent example of this kind of research, see the articles collected in Jeffrey Rubenstein, ed., *Creation and Composition*.

⁶ This new direction of research does not accept Jacob Neusner's "documentary hypothesis" nor his concomitant skepticism regarding the reliability of Talmudic attributions or earlier sources embedded in the Bavli. In fact, modern redaction-criticism of the Talmud relies on the notion that scholars can successfully localize earlier tannaitic and amoraic texts within a Talmudic discourse, and that these sources for the most part retain their dis-

The Sasanian “*Stam*”

Orality and the Composition of Babylonian Rabbinic and Zoroastrian Legal Literature*

SHAI SECUNDA

Since the establishment of the modern academic study of rabbinic Judaism in the early nineteenth century, the dating of rabbinic compilations and the investigation of their literary relationships has been the focus of intense inquiry. Y. L. Zunz and other founding members of the so-called “Science of Judaism” devoted themselves to establishing a literary chronology that would enable Talmudists to trace the development of theological, legal, and linguistic data contained within the major works of the classical rabbinic corpus. The next generation of scholars also took interest in the editorial and redactional processes of the Babylonian Talmud (Bavli) and laid the groundwork for further endeavors that would engage in intellectual history across the different layers of this most central rabbinic work. Nevertheless, it was not until the research of twentieth century scholars such as Julius Kaplan, Hyman Klein, Avraham Weiss,¹ and later and more fundamentally,

* The writing of this paper was facilitated by a Jacob and Hilda Blaustein Post-doctoral fellowship in Judaic Studies at Yale University and by a travel grant provided by The Center for Jewish Studies and the Department of Near Eastern Languages and Civilizations at Harvard University. I gratefully acknowledge the caring and time-consuming mentorship of Yaakov Elman and Prods Oktor Skjærvø, and the friendship and equally time-consuming collaboration of Yuhan Vevaina on this and related projects. All three directly impacted the development of this paper, although I of course am responsible for all mistakes and misjudgments. I would also like to acknowledge oral and electronic conversations with Steven Fraade and Martin Jaffee who encouraged me to pursue some of the topics treated in this paper.

¹ Julius Kaplan’s view is expressed in his book, *The Redaction of the Babylonian Talmud* (New York: Bloch, 1933), and Hyman Klein’s in “*Gemara*” and “*Sehara*” in *Baba Mezia 60b-64a* (Jerusalem: The Hebrew University of Jerusalem, 1978) (Hebrew). For a summary of Weiss’ method, which he outlined in his nine books devoted to source criticism of the Bavli, see Meyer S. Feldblum, “Professor Abraham Weiss: His Approach and Contribution to Talmudic Scholarship,” in *The Abraham Weiss Jubilee Volume*, eds. Samuel Belkin and Abraham Weiss (New York: Abraham Weiss Jubilee Committee, 1964), 7–80. For an overview of these and other approaches to the redaction of the Bavli, see Jacob Neusner, ed., *The Formation of the Babylonian Talmud* (Leiden: Brill, 1970).

establish a relative chronology. He also assembles explicit citations of the books of the *zand* that appear in other compilations, associates some of its sages with historical movements and events, and searches for other concrete historical referents. It is evident that Cantera's work represents not merely an end in and of itself, rather a preparation for future research of the *zand* and other Middle Persian works which may now proceed on firmer methodological grounds. Both his tentative conclusions regarding the dating of the *zand*, and also some of the methods that he employs along the way have major implications for Middle Iranian studies. In particular, his analysis of large blocks of parallel texts allows for sustained investigation of the techniques by which later works incorporate and adjust earlier texts. Thus, Cantera's work matches academic Talmud study not only in its early "Science of Judaism" form, but also in its more current use of source-critical research tools.

These parallel methodological advances in the philological study of Middle Persian literature and the Bavli come at a particularly exciting time in the history of the *mutual* maturation of these two fields. Yaakov Elman now leads a growing number of Talmudists who have returned to Middle Persian texts after many Rabbinics scholars abandoned their study in the 1930's.¹¹ As a result, scholars increasingly recognize that it is no longer possible to imagine a ghettoized existence for Sasanian Jews – geographic, intellectual, cultural, or otherwise.¹² Instead, the mounting evidence demonstrates that

¹¹ For a survey of "Irano-Talmudic" research before the renewal of the field, see Elman, "'Up to the Ears' in Horses' Necks: On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *JSIJ* 3 (2004): 95–149, especially 95–101; and Geoffrey Herman, "Ahasuerus the Former Stable-Master of Belshazzar, and the Wicked Alexander of Macedon: Two Parallels between the Babylonian Talmud and Persian Sources," *AJS Review* 29 (2005): 283–98, 284–88.

¹² The following studies convincingly make this claim: Elman, "Marriage and Marital Property in Rabbinic and Sasanian Law," in *Rabbinic Law in Its Roman and Near Eastern Context*, ed. Catherine Hezser, Texts and Studies in Ancient Judaism 97 (Tübingen: Mohr Siebeck, 2003), 227–76; *idem*, "Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity," in *Neti'ot le-David: Jubilee Volume for David Weiss Halivni*, eds. Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot, 2004), 31–56; *idem*, "The Babylonian Talmud in its Historical Context," in *The Printing of the Talmud: From Bomberg to Schottenstein*, eds. Sharon Liberman Mintz and Gabriel M Goldstein (New York: The Yeshiva University Museum, 2005), 19–28; *idem*, "'He in His Cloak and She in Her Cloak': Conflicting Images of Sexuality in Sasanian Mesopotamia," in *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism*, ed. Rivka Ulmer (Lanham, MD: American Universities Press, 2007), 129–64; *idem*, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition," in *Cambridge Companion to Rabbinic Literature*, eds. Charlotte Elisheva Fonrobert and Martin S. Jaffe (Cambridge: Cambridge University Press, 2007), 165–97; *idem*, "Returnable Gifts in Rabbinic and Sasanian Law," *Irano-Judaica*, vol. 6, eds. Shaul Shaked and Amnon Netzer (Jerusalem: Makhon Ben Zvi, 2008); Herman, "Ahasuerus the Former Stable-Master"; Richard Kalmin,

unknown, the Stam's activities rest on the very surface of the text while amoraic culture is hidden below later redactional layers.

For a variety of reasons, Iranian studies in general, and Middle Iranian studies in particular, have proceeded along a different course of inquiry. For the most part, Iranists have expressed greater interest in the linguistic development of Iranian languages than in, for example, Zoroastrian intellectual history. Diachronic research of Zoroastrianism does as a matter of course contrast the Gathas (Old Avestan texts that on linguistic grounds may have been composed as early as 1500 B.C.E.) and the Young Avesta (younger Avestan texts that may date back to the early first millennium B.C.E.⁷) and then in turn compare the Avesta with the Pahlavi books (some of which are products of Sasanian times, while others were composed/compiled in the ninth and tenth centuries C.E.).⁸ However, when interpreting Zoroastrianism in Late Antiquity, Iranists often treat Pahlavi literature as a continuous, unified expression of the religious practices and beliefs of Sasanian times. Until recently, Iranists rarely focused on the development of ideas *within* Pahlavi works, and they have not established a basic literary chronology of this literature.⁹

Accordingly, Alberto Cantera's recent book¹⁰ devotes a long chapter to establishing a relative and absolute chronology of the surviving Middle Persian *zand* – the translation and exegesis of the Avesta – and represents a watershed in Middle Iranian Studies. Cantera systematically analyzes the lexical, grammatical, and syntactical forms found in these works, in order to es-

tinct identity. It is this ability that allows Talmudists to access not only amoraic culture, but also the world of the *Stam*. For an example of amoraic intellectual history, see Yaakov Elman, "The Socioeconomics of Babylonian Heresy," in *Jewish Law Association* 17 (2007): 80–126.

⁷ For the dating of Old and Young Avestan, see Prods Oktor Skjærvø, "The Antiquity of Old Avestan," *Nāme* 3, 2 (2003–4): 15–41.

⁸ See Alberto Cantera, *Studien zur Pahlavi-Übersetzung des Avesta* (Wiesbaden: Harrasowitz Verlag, 2004), 164–239, and our discussion below.

⁹ Although surveys of Middle Persian literature such as Jehangir C. Tavadia, *Die mittelpersische Sprache und Literatur der Zarathustrier*, *Iranische Texte und Hilfsbücher*, Nr. 2 (Leipzig: Harrasowitz, 1956); Mary Boyce, "Middle Persian Literature," in *Handbuch der Orientalistik* 1, 4, 2 (1), ed. Bertold Spuler (Leiden: Brill, 1968), 31–67; Jean de Menasce "Zoroastrian Pahlavi writings," in *Cambridge History of Iran*, vol. 3, part 2, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 1166–95; and Carlo G. Cereti, *La letteratura Pahlavi: Introduzione ai testi con riferimenti alla storia degli studi e alla tradizione manoscritta* (Milan: Mimesis, 2001), do express an opinion regarding the dating of some of these works, there is no concerted effort to examine their relative or absolute chronology exhaustively. On the other hand, Shaul Shaked, *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: School of Oriental and African Studies, 1994), is an example of a historical study based on the premise that one may distinguish between various stages in Sasanian Zoroastrian religious history by chronologically differentiating between different Pahlavi sources.

¹⁰ Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*, 164–239.

commentators and then incorporated into a redactional scheme leads to important conclusions for reconceiving the Yerushalmi against a background of Roman legal codification. In a recent article that explores the Mishnah's "anthological choices," Yaakov Elman questions prior attempts to define the Mishnah's genre according to contemporary taxonomic criteria.¹⁶ By juxtaposing Mishnah to its Roman and Sasanian analogues, Elman has shown the futility of pigeon-holing Mishnah as a legal code, study collection, introductory textbook, personal notebook, or philosophical tract. The lesson of Elman's scholarly exercise is clear: The material and textual remains of Late Antiquity must dictate the terms through which we engage them and not the other way around.

Accordingly, we might ask ourselves what type of interdisciplinary research the Sasanian rabbinic and Zoroastrian texts "themselves" encourage. By way of comparison, it may be appropriate to mention two important features of the Roman codes that Hezser contrasts with the Yerushalmi yet are shared by Middle Persian legal literature and the Bavli.¹⁷ First, unlike the Yerushalmi, the *Codex Theodosianus* as well as Justinian's *Corpus Iuris Civilis* enjoyed imperial sponsorship. On the other hand, there is no evidence that the compilation of either the Bavli or Middle Persian legal literature received any official backing. Even the most "official" of Pahlavi works, the *Mādayān ī Hazār Dādestān* ("Book of a Thousand Decisions") of Farroxmard, son of Wahrām, which relies heavily on court and other archival documentation,¹⁸ conveys the impression of a more personal restatement of Sasanian law. As much as the Bavli seems to represent the work of a team of rabbis who crafted the material into a polished composition and a sophisticated textual edifice,¹⁹ it would be hard to imagine that the *reish galluta*

¹⁶ Elman, "Order, Sequence, and Selection: The Mishnah's Anthological Choices," in *The Anthology in Jewish Literature*, ed. David Stern (Oxford: Oxford University Press, 2004), 53–80.

¹⁷ Hezser, *The Codification of Legal Knowledge*, 582–83.

¹⁸ Maria Macuch, *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farrohmard i Wahrāmān*, Iranica, Band I (Wiesbaden: Harrasowitz Verlag, 1993), 11–15. See also her more recent summary of research accessible at <http://www.iranica.com/newsite/>, s.v. "Mādayān ī Hazār Dādestān."

¹⁹ Friedman, "Pereq ha-isha rabbah be-bavli"; *idem*, *Talmud arukh, pereq ha-sokher et ha-umanin*, 2 vols. (Jerusalem: Jewish Theological Seminary of America, 1991–1997); *idem*, *Bavli gittin pereq ha-megaresh: mahadurah u-parshanut* (Jerusalem: The Society for the Interpretation of the Talmud, forthcoming), has highlighted the editorial sophistication of the Bavli's redactors. In addition, Friedman directs the Society for the Interpretation of the Talmud, which publishes Talmudic commentaries that methodically reconstruct the Stam's sources in order to focus on its redactional artistry. See for example, Friedman, ed., *Hamesh sugyot min ha-talmud ha-bavli* (Jerusalem: Society for the Interpretation of the Talmud, 2002); Moshe Benovitz, *Pereq shevuot shtayim batra: bavli shevuot pereq shlishi mahadurah beqortit im biur maqif* (New York and Jerusalem: The Jewish Theological Seminary of America, 2003); and Steven Wald, *Pereq elu ovrin: bavli pesahim, pereq*

rabbis and Zoroastrian priests practiced similar rituals and held comparable beliefs. Indeed, the rabbis were enthusiastic contributors to the “splendid confusion”¹³ of Sasanian Mesopotamian religious life.

In the wake of this scholarly breakthrough, this paper will consider the implications of source-critical approaches to Pahlavi and rabbinic literature in an effort to compare not just the lifestyles of Babylonian rabbis and their Iranian neighbors, but the production of their legal texts. Textual composition can serve as yet another arena for scholars to explore the similarities and differences between Sasanian rabbis and Zoroastrian priests. Like “direct” comparative religious and cultural studies, a joint examination of textual production will allow scholars to further consider questions of influence, relationships, and other such engagements. In addition, as far as Talmudic source criticism has come, many important questions remained unanswered – or at least unconfirmed. The relatively uncharted terrain of Pahlavi literature can greatly benefit Talmudists who wish to test their recently developed philological tools on a new data-set. Of course this advantage presents a challenge as well. Our state of knowledge regarding higher critical aspects of Pahlavi literature is still in its infancy. Consequently, we may boldly only raise questions, less confidently suggest partial responses, and provide answers with still less assurance. Nevertheless, the goal here is merely to “scout out” further avenues of research and to encourage scholars to venture into this new territory as they continue to investigate the Bavli and Middle Persian literature.

Although there has been no extensive comparative study of the editorial production of the Bavli in light of Middle Persian legal literature,¹⁴ two articles that explore Mishnah and Yerushalmi in light of their non-Jewish legal analogues can guide our thinking on these matters. In a groundbreaking article, Catherine Hezser has mined the known codification history of Roman law to provide answers for Talmudists who wish to understand the particulars of the Yerushalmi’s formation.¹⁵ Hezser’s close attention to the process by which the opinions of classical jurists were reworked by post-classical

Jewish Babylonia between Persia and Roman Palestine: Decoding the Literary Record (Oxford; New York: Oxford University Press, New York, 2006), 8–9.

¹³ Following Samuel N. C. Lieu’s vivid account in his, *Manichaeism in Mesopotamia and the Roman East* (Leiden: Brill, 1994), 25.

¹⁴ Jacob Neusner, *Judaism and Zoroastrianism at the Dusk of Late Antiquity: How Two Ancient Faiths Wrote Down their Great Traditions* (Atlanta: Scholars Press, 1993), does ask some comparative editorial questions, yet he chooses to focus his inquiry on the *Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg* and *Pahlavi Rivāyat of Ādurfarnbag* – two post-Sasanian works of theological and legal issues. See discussion in Elman, “‘Up to the Ears’ in Horses’ Necks,” 97–98.

¹⁵ Hezser, “The Codification of Legal Knowledge in Late Antiquity,” in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 1998), 581–641.

Persian legal²⁵ and interpretive compilations that I believe constitute oral texts.²⁶ The remainder of this paper will focus on this second shared aspect of the Bavli and Pahlavi legal literature in an effort to open a deeper investigation of the composition of these corpora, and to hopefully contribute to the broader study of orality in late antiquity. As the oral nature of Middle Persian texts is contested and has not yet been studied conclusively,²⁷ this paper will first delineate some relatively unexamined oral characteristics of the literature and then suggest future avenues of research in this regard before returning to comparative matters.

Two Middle Persian works in particular, *Šāyest nē šāyest* ("permitted and not permitted")²⁸ and *Zand ī fragard ī jud-dēw-dād*²⁹ ("commentary on chapter(s) of the *Videvdad*") have for the most part remained beyond the purview of modern scholarly interest. Indeed, in the case of *Zand ī fragard ī jud-dēw-dād*, researchers have essentially excluded this work from the academic

Rivāyat accompanying the *Dādestān ī Dēnīg*, it does seem that such remarks would have stemmed from the book's author.

²⁵ For convenience, in this paper "Middle Persian/Pahlavi legal texts/works/compilations etc." will exclude MHD unless otherwise indicated.

²⁶ Jaffee, *Torah in the Mouth*, has rightly challenged the bifurcation of oral and written texts. Still, by "oral texts" we mean a text that was produced and *primarily* transmitted via oral communication. Of course we access these texts as written documents. However, the transformation from an oral to a scribal transmission of these texts took place after they appeared in a relatively final crystallized form.

²⁷ The following studies consider the orality of Middle Persian texts: Harold W. Bailey *Zoroastrian Problems in the Ninth-Century Books* (Oxford: Clarendon Press, 1971), 149–76; Philip Huyse, "Late Sasanian Society between Orality and Literacy," in *The Sasanian Era, The Idea of Iran*, vol. 3, eds. Vesta Sarkhosh Curtis and Sarah Steward (London: I. B. Tauris, 2008), 140–53; Philip Kreyenbroek, "The Zoroastrian Tradition from an Oralist's Point of View," in *K. R. Cama Oriental Institute, 2nd International Congress Proceedings (5th to 8th January, 1995)*, eds. Hormazdiar J. M. Desai and Homai N. Modi (Bombay: K. R. Cama Oriental Institute, 1996), 221–37; Michael Stausberg, "The Invention of a Canon: the Case of Zoroastrianism," in *Canonization and Decanonization*, eds. Arie van der Kooij and Karel van der Toorn (Leiden: Brill, 1998), 257–78, and Yuhon Sohrab-Dinshaw Vevaina, "Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the *Sūdgar Nask* of *Dēnkard* Book 9" (Ph.D. diss., Harvard University, 2007), 6–7, 20–23.

²⁸ The best edition is still Jehangir C. Tavadia, *Šāyest nē šāyest: A Pahlavi Text on Religious Customs* (Hamburg: Friederichsen, de Gruyter & Co., 1930), which vastly surpasses earlier treatments of the work. A recent Persian edition, Katāyun Mazdāpur, *Šāyest Nāšāyest: A Pahlavi Text* (Tehran: Mo'asese-ye Mutāle'āt va Taḥqīqāt-e Farhangī, 1990), functions as a translation and does not really advance the scholarship on *Šāyest nē šāyest*.

²⁹ There are two extant manuscripts of this work, only one of which is available in facsimile: Kaikhusroo M. Jamasp Asa, Y. Mahyar Nawabi and Maḥmud Tavousi, eds., *The Pahlavi Codices and Iranian Researches 55: MS. TD2: Iranian Bundahišn and Rivāyat-i Ēmēt-i Ašavahištān*, part 2 (Shiraz: Shiraz University, 1979).

(exilarch) – the only recognized Jewish authority in Babylonia – had a hand in a work that is often skeptical of his authority and preserves hard-hitting attacks on his office.²⁰

In addition, Hezser repeatedly draws a distinction between one feature of the codification of Roman law – that is, that it was both primarily based on written sources and produced a written text – and the compiling of the Yerushalmi that *may* have been an entirely oral process.²¹ In contrast, orality constitutes a shared aspect of the Bavli and Middle Persian legal literature. Recent work on the Bavli has persuasively demonstrated that it was compiled orally and in a “pervasively oral context” at that.²² Aside from *Mādayān ī Hazār Dādestān*, which is partially based on written documents²³ and was probably produced through writing,²⁴ there are at least a few Middle

shlishi im biur maqif (New York and Jerusalem: The Jewish Theological Seminary of America, 2000). Corresponding research on Talmudic narrative, for example Jeffrey Rubenstein, *Talmudic Stories* (Baltimore: Johns Hopkins University Press, 1999), likewise emphasizes the Stam’s artful refashioning of its material. These studies suggest that Bavli *sugyot* were constructed in academies by groups of sages.

²⁰ See Geoffrey Herman, “The Exilarch in the Sasanian Era” (Ph.D. diss., The Hebrew University of Jerusalem, 2005) (Hebrew), 237–79.

²¹ Hezser, “The Codification of Legal Knowledge,” 583, 594, and 601–02. The orality of Palestinian rabbinic Judaism has been considered most comprehensively by Jaffee, “The Oral-Cultural Context of the Talmud Yerushalmi: Greco-Roman Rhetorical Paideia, Discipleship, and the Concept of Oral Torah,” in *The Talmud Yerushalmi I*, 27–61; and *idem*, *Torah in the Mouth* (Oxford: Oxford University Press, 2001).

²² Elman, “Babyonian Baraitot in the Tosefta and the ‘Dialectology’ of Middle Hebrew,” *AJS Review* 16 (1991):1–29, 18–19; *idem*, “Orality and the Redaction of the Babylonian Talmud,” *Oral Tradition* 14 (1999): 52–99.

²³ The nature of *Mādayān ī Hazār Dādestān*’s (henceforth MHD) sources is an exceedingly complex one. Farroxmard draws from a variety of sources that are ostensibly marked as either oral or written and include earlier legal collections (i.e., the *dādestān-nāmag*); oral and written statements of Sasanian juriconsults (i.e., X *guft*, and X *nibišt*); and anonymous oral and written statements (i.e., *bud kē guft*, *pad gyāg-ēw nibišt*). See the introductions to modern editions of the work: Macuch, *Rechtskasuistik*; *eadem*, *Das Sasanidische Rechtsbuch “Māukdān ī Hazār Dātistān” (Teil II)* (Wiesbaden: Kommissionsverlag Franz Steiner, 1981); and Anahit Perekhanian, *The Book of a Thousand Judgements: A Sasanian Law-book*, trans. Nina Garsoiān (Costa Mesa: Mazda Publishers, 1997). MHD’s reliance on a fair amount of written material is not surprising given the fact that it is primarily a compilation of court decisions.

²⁴ Although Farroxmard does express his opinion using the term “*gōwēm*” “I say” (MHD 20.10, though compare the parallel passage at MHD 32.1 where the term “*dānēm*” – “I think” is substituted), his editorial comments seem to imply that he wrote the work down. See for example MHD 35.8–9: “*ud abāg ān ī azabar pad guft ī Dād-Farrox nibišt nigerīdan*” “and [this opinion] ought to be considered together with that which was written above according to the saying of Dād-Farrox (translation and emphasis are mine).” Note the way Farroxmard retains the orally marked “saying of Dād-Farrox,” while describing his own process of writing. Of course we must exercise caution here, as this editorial remark may not have stemmed from Farroxmard’s pen but from that of a later scribe. Still, when compared with a number of similar editorial comments found in the post-Sasanian *Pahlavi*

scribe Zoroastrian study as essentially oral even if they allow for the existence of some Zoroastrian books.³⁶

Not only have some scholars ignored this facet of Middle Persian legal texts, but they also argue that the texts *must* have been composed in written form. Even more problematically, this claim requires a later dating of these compositions, and indeed, Mary Boyce has assigned *Šāyest nē šāyest* a *terminus post quem* of 632 C.E.³⁷ Boyce's position turns on the assumption that textual analysis requires the existence of *written* texts. She is not alone in this view, as this argument apparently pervades the thinking of some prominent oralists. Boyce writes as follows:

A step which must, however, have been made after the establishment of the canon was that of excerpting from the Avesta passages relating to particular themes. *This is an activity belonging necessarily to an established written tradition, whereby it becomes possible to select, compare, and compile from texts simultaneously available ...* [emphasis is mine]. There is no evidence for such compilations before the Arab conquest; and although an argument *ex silentio* is dangerous in this sparsely documented field, it is nevertheless probable that the development took place slowly during the 7th to 9th centuries, being stimulated perhaps by the needs of a church on the defensive. Freed from the thorniness of texts in a dead language, such compilations must have been both easier for Zoroastrians themselves to study and more persuasive for those wavering in the faith.³⁸

Boyce maintains that works like *Šāyest nē šāyest* represent the efforts of Zoroastrian *scribes* to select passages from previously *written* works – she presumably means the *zand*³⁹ – in order to explore various legal themes in the literature. In other words, these collections were necessarily produced after the writing down of the *zand* and represent a further evolutionary step in the history of Middle Persian literature. Actually, synoptic study of *Šāyest nē šāyest* and its *Pahlavi Videvdad* parallels reveals a far more complicated picture.⁴⁰ Although on occasion some passages in *Šāyest nē šāyest* do appear to have been excerpted from the *Pahlavi Videvdad*,⁴¹ and others surely evince conceptual development from the *Pahlavi Videvdad*'s more rudimentary

³⁶ For example, see references collected in Bailey, *Zoroastrian Problem*, 149–76, and Stausberg, *The Invention of a Canon*, 260.

³⁷ Boyce, "Middle Persian Literature," 39.

³⁸ *Ibid.*

³⁹ I assume that Boyce does not mean that these hypothetical redactors excerpted original Avestan statements, since in post-Sasanian times Avestan was a language that was not readily understandable. She presumably means the *zand*'s translation of and commentary on the Avesta.

⁴⁰ See for example Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*, 220–29, and appendix I to my Ph.D. dissertation, "*Dashtana* – '*Ki Derekh Nashim Li*': A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts" (Ph.D. diss., Yeshiva University, 2008).

⁴¹ See *Pahlavi Videvdad* (henceforth PV) 16.4, and its parallel in *Šāyest nē šāyest* (henceforth ŠnŠ) 3.33. See Secunda, "*Dashtana* – '*Ki Derekh Nashim Li*,'" 368–69.

canon aside from brief mention in a few survey articles.³⁰ Both of these texts are predominantly concerned with purity, and not surprisingly overlap with material preserved in the *Pahlavi Videvdad* in a way that likewise points to oral composition.³¹

There is also evidence that the *Pahlavi Videvdad* itself, which it should be noted has enjoyed quite a bit of recent scholarly inquiry,³² appears to have been composed orally. As a *zand*, the *Pahlavi Videvdad* transmits the teachings of the Avestan *Videvdad* in Middle Persian with brief glosses and longer legal discussions. Recent research has argued that the Pahlavi *zand* continues an ancient tradition of (oral) translation and commentary on the Avesta.³³ In addition, the *zand*'s distinct process of transmitting the sacred tradition fits organically within the primarily oral environment known to have existed in Sasanian Iran. A robust minstrel tradition has been documented in Sasanian Iran,³⁴ a Middle Persian *zand* devoted to the laws of priestly education depicts exclusive oral transmission without any mention of book learning,³⁵ and Christian and Manichaean polemical statements de-

³⁰ Cereti, *La Letteratura Pahlavi*, 140–41; de Menasce, "A Provisional Handlist of the Late E. W. West's Papers," *JRAS* (1950): 59–60; *idem*, "Zoroastrian Pahlavi Writings," in *The Cambridge History of Iran*, vol. 3, 2, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 1177; Tavadia, *Sāvest nē Sāvest*, 4; *idem*, *Die Mittelpersische Sprache und Literatur der Zarathustrier*, 43; Edward W. West, "Pahlavi Literature," in *Grundriss der iranischen Philologie*, eds. Wilhelm Geiger and Ernst Kuhn (Berlin: de Gruyter, 1974), 75–129, 106.

³¹ See our discussion at the end of the paper.

³² Cantera has compiled a bibliography of research on the *Videvdad* published since 1985 that is accessible at <http://avesta.ana.usal.es/publications.htm>.

³³ See for example, Skjærvø, "Hymnic Composition in the Avesta," *Die Sprache* 36 (1994): 199–242, 203–04; *idem*, "Avestan Quotations in Old Persian?: Literary Sources of the Old Persian Inscriptions," in *Irano-Judaica*, vol. 4, eds. Shaul Shaked and Amnon Netzer (Jerusalem: Ben Zvi Institute, 1999): 1–64, 13, n. 23; Judith Josephson, "Remarks on the Pahlavi Version of the Gathas," *StIr* 32 (2003): 7–34. Earlier research, such as Arthur Christensen, *Le premier chapitre du Vendidad et l'histoire primitive des tribus iraniennes*, Det Kgl. Danske Videnskabernes Selskab, Historisk-filologiske Meddelelser, 24, 4 (Copenhagen: Munksgaard, 1943); and Boyce, "Middle Persian Literature," 34, emphasized the late origins of the Pahlavi *zand*.

³⁴ Boyce, "Some Remarks on the Transmission of the Kanyanian Heroic Cycle," in *Serta Cantabrigienisa* (Wiesbaden: Franz Steiner Verlag, 1954), 45–52; *eadem*, "Zariadres and Zārēr," *BSOAS* 17, no. 3 (1955): 463–77; *eadem*, "The Parthian *Gōsān* and Iranian Minstrel Tradition," *JRAS* (1957): 10–45. I am grateful to Prods Oktor Skjærvø for these references.

³⁵ I am referring to the Pahlavi *Hērbedestān*. There are two modern editions of this work; Helmut Humbach, *Ērbedestān* (München: R. Kitzinger, 1990); and Firoze M. Kotwal and Philip G. Kreyenbroek, *The Hērbedestān and Nērangestān*, vol. 1 (Paris: Association pour l'Avancement des Études Iraniennes, 1992). Skjærvø and Elman are also producing an edition of the text.

ment such as the Talmud was not merely based on oral materials, but was also redacted in an oral environment.⁴⁸ Indeed, Boyce's choice of editorial-redactional terms like "select, compare, and compile" corresponds almost exactly to terms that appear in the Bavli's description of the editing of rabbinic materials.⁴⁹

The realization that Sasanian rabbinic and some Zoroastrian legal texts may represent oral specimens encourages us to engage in an extended comparison of their respective structures in an effort to uncover the principles of compilation shared by discursive and "learned" oral works.⁵⁰ Still, as much as Walter Ong's claim that oral cultures neither study nor produce "studied" works proved to be a poor predictor of the orality of texts, the notion that writing often does create the distance between learner and "learned" necessary for analysis, makes the discursive accomplishments of the Bavli and Middle Persian legal texts somewhat of a mystery. An examination of some of the structural features of both corpora that relate to orality will hopefully persuade the texts to yield some of their most beguiling secrets.

Scholars often bemoan the fact that the Bavli constitutes our *only* primary source for studying Babylonian rabbinic Jewry.⁵¹ Of course they readily acknowledge that the Bavli is a work of enormous volume, containing some 1.8 million words,⁵² and it also preserves numerous "primary" sources within its many folios. To a certain extent most documents from Late Antiquity are compilations of some sort. Still, the Bavli – like the Yerushalmi and some classical Midrashim – is a uniquely encyclopedic collection of sources

towards orality, as does (6) the structure of *sugyot*, including ring and large-scale chiasmic structures, ordering sequences according to "important" numbers, and more.

⁴⁸ It is similarly worth noting that the enormous Vedic prose tradition was composed and studied orally already in the second to early first millennia long before writing existed in India. I am grateful to Prods Oktor Skjærvø for this comparative insight.

⁴⁹ Elman, "Orality and the Babylonian Talmud," 65–67. For a related discussion of these rabbinic editorial terms, see Yaakov Sussman, "'Torah she-be-'Al Peh,' Peshutah ke-Mashma'ah," in *Mehqarei Talmud*, vol. 3, eds. David Rosenthal and Yaakov Sussman (Jerusalem: Magnes Press, 2005), 259–83.

⁵⁰ Friedman, "The Transformation of the Talmud and the Computer Age," in *The Printing the Talmud*, 146–47, suggests this based on my "On the Existence of a Zoroastrian 'Proto-Sugya' and its Importance for Talmudists," (AJS Convention, Chicago, 2004).

⁵¹ See recent examples in Isaiah M. Gafni, "The Political, Social, and Economic History of Babylonian Jewry, 224–638 C.E.," in *The Cambridge History of Judaism*, vol. 4, 792–820; *idem*, "Babylonian Rabbinic Culture," in *Cultures of the Jews: A New History*, vol. 1, ed. David Biale (Schocken Books: New York, 2002), 223–65. Of course, the late antique Babylonian Aramaic incantation bowls have gradually been recognized by historians as an important source of data for reconstructing Babylonian Jewish history (see Gafni, "Babylonian Rabbinic Culture"). For the enormous research potential inherent in the bowls, see Michael Morony, "Magic and Society in Late Sasanian Iraq," in *Prayer, Magic, and the Stars in the Ancient and Late Antique World*, eds. Scott Noegel *et al.* (University Park, PA: Pennsylvania State University Press, 2003), 83–107.

⁵² See Elman, "Acculturation," 41; and "The Babylonian Talmud," 20.

formulation,⁴² in other cases *Šāyest nē šāyest* seems to preserve the more original material.⁴³ If we wished to support the notion of *Šāyest nē šāyest*'s editor excerpting from a written *Pahlavi Videvdad*, we would at the very least have to posit the circulation of various written recensions of the *Pahlavi Wīdēwād* which *Šāyest nē šāyest* adapted to its own program. Indeed, as we will suggest below, *Zand ī fragard ī jud-dēw-dād* apparently constitutes physical evidence that such recensions did exist. However, instead of the possibility of various written recensions, *Zand ī fragard ī jud-dēw-dād* may actually point to evidence of different oral versions.

Finally, we might add that Boyce's view represents a tendency to classify only texts that display "song-like" features as stemming from oral performances. According to this position, only works that have smooth or "hidden" editorial seams and appear to have been delivered spontaneously may be classified as oral. On the other hand, texts that preserve learned asides or really any kind of involved, discursive material must have been composed via the process of writing. Indeed, some scholars go as far to argue that "scholasticism" cannot take root in oral cultures.⁴⁴

Clearly, part of the solution is to nuance our approach to orality. As Martin Jaffee has recently demonstrated, the binary opposition between purely oral and purely written works is unhelpful and muddles our appreciation of late antique compilations.⁴⁵ Yet in the present case, an accurate assessment of Pahlavi legal literature requires more than merely reevaluating previous scholarship. One significant contribution of the field of Rabbinics to Middle Iranian studies and by extension the study of orality is the reconsideration of this working principle.⁴⁶ Again, if the Bavli was composed orally, as indeed seems to be the case,⁴⁷ we have evidence that an incredibly complex docu-

⁴² Compare PV 16.2.1, and ŠnŠ 3.1–5. See Secunda, "Dashtana – 'Ki Derekh Nashim Li,'" 332–35.

⁴³ See for example "Dashtana – 'Ki Derekh Nashim Li,'" 344.

⁴⁴ See for example Walter Ong, *Orality and Literacy* (London: Routledge, 1982), 8–9, who claims that, "[h]uman beings in primary oral cultures, those untouched by writing in any form, learn a great deal and possess and practice great wisdom, but they do not 'study

⁴⁵ Jaffee, *Torah in the Mouth*, 100–25.

⁴⁶ Elman has already argued that the existence of a document like the Bavli challenges Ong's thesis. See Elman, "Orality and the Babylonian Talmud," 58–59.

⁴⁷ Elman marshals the evidence in "Orality and the Babylonian Talmud." His main arguments are as follows: (1) Amoraic and Gaonic Babylonia were pervasively oral, therefore, it makes little sense to posit an enormous writing project sandwiched in between these two oral epochs without any solid evidence; (2) the nature of most of the variants that are incorporated into the Bavli points to an oral context; (3) editorial and emendation terminology repeatedly omits reference to writing; (4) there is a total lack of any standard (written) editorial terms; (5) The technology of late antique writing technology does not square with the immense size of the Bavli; (5) the formulaic/"stereotypical" nature of *sugyot* points

for example, "Sōšyans said X (Sōšyans guft)," "cāštāgs" – individual or small collections of teachings often attributed to some of these same authorities, and "zands," here extensive commentaries to Avestan books which were likewise associated with Zoroastrian jurisconsults.⁵⁷

Before exploring the nature of these sources, it is important to point to an elemental oral characteristic that pervades Middle Persian literature and the Bavlī. Pahlavī works preserve numerous instances where discreet collections of smaller textual units turn up across the literature in ways reminiscent of the Talmud – especially in the "transfer" (*havarah*) and subsequent reworking of *sugyot* and their constituent components. Thus, in one sense the relationship between *Šāyest nē šāyest* and the *Pahlavī Videvdad*, and for that matter, *Zand ī fragard ī jud-dēw-dād*, can best be explained not as Boyce does, by describing *Šāyest nē šāyest*'s editor as excerpting materials from a canonized and written *Pahlavī Videvdad*; rather, as adapting oral material which traveled in groups from a vast oral tradition.⁵⁸ Instead of positing a trend of Zoroastrian scribes excerpting passages from written texts, orality can better account for the need to recite and retell the material in new ways that engendered these parallel passages.

Direct statements of sages abound in Middle Persian legal texts. As we find in rabbinic literature, the form "X said Y" purports to preserve the direct speech of sages. We are not presently concerned with whether these forms actually preserve the *ipsissima verba* of sages – incidentally, the consensus in Rabbinics is that they do not.⁵⁹ Still, the form of these statements

Jahrhunderts in Iran, 29, dates the prominent Zoroastrian authority, Sōšyāns to the second half of the third century, while Perikhanian, *The Book of a Thousand Judgments*, 418, suggests that he flourished at the beginning of the fifth century. János, "The Jurisprudence," 299–305, weighs in on this debate as well. Once again, Cantera, *Studien zur Pahlavī-Übersetzung des Avesta*, 207–20, brings methodological clarity to this issue, and firmly establishes that Sōšyāns flourished towards the end of the fourth to the early fifth centuries. This allows him to associate Sōšyāns' interlocutors, Gōgušnasp and Kay-Ādurbōzēd with the same time period. Ādurohrmazd and Ādurfarrbay-Narsē are dated to some time before the late fourth century, while Abarg and Mēdomāh seem to have flourished in the second half of the fifth century. Finally, Cantera demonstrates that Wēhšābuhr and Baxtāfrīd were part of the council that king Husraw I convened in response to Mazdak's revolt (first half of the sixth century).

⁵⁷ Of course MHD contains many discreet legal collections. However, only some of these collections are oral while others are written.

⁵⁸ Cantera, in his comparison of ŠnŠ 2.12–37 and PV 6.5, illustrates some of the confusion that is an outgrowth of this reality. I have found similar phenomena in the relationship between PV chapter sixteen and ŠnŠ chapter three. Indeed, the fluidity that Tavastia points to when accounting for a numerical disparity between Mēdomāh's chapter numbers and the canonical PV can be profitably applied here. See our discussion of this matter below.

⁵⁹ The literature on this question is immense. For the time being I refer readers to the summary and bibliography in Günter Stemberger, *Introduction to the Talmud and Midrash*, trans. and ed. Markus Bockmuehl (Edinburgh: T. & T. Clark, 1996), 56–62. For scholar-

that traveled within rabbinic Babylonia and west to Palestine via a web of rabbinic social networks.⁵³ These sometimes take the form of individual statements (*memrot*) but also that of semi-polished “literary” sources ranging from medicinal tracts, dream books, biblical interpretation, demonology, and the so-called “early *sugyot*.” It is not too hard to imagine what these texts “looked” like as they traveled from one rabbinic circle or sage to another, as they often present themselves as extensive, identifiable passages. The Bavli only appears as a single primary source because of the extraordinary efforts of its redactors.

The situation as regards to Middle Persian legal literature is quite different. While the *Dēnkard* has been referred to as a “Zoroastrian Encyclopedia,”⁵⁴ this is misleading, most obviously because it includes relatively little discussion of religious law⁵⁵ – by all accounts a most central aspect of Zoroastrianism. In any case, we have no true “encyclopedia” of Zoroastrian law, rather separate texts that constitute different legal genres; those that interpret and follow the order of an Avestan book like the *Pahlavi Videvdad*, and others, such as the *Šāyest nē šāyest*, that arrange the material thematically, and which Boyce considers to be later developments.

It is important to note that the Pahlavi compositions themselves constitute mosaics of earlier sources not unlike the Bavli. Earlier material attributed to named Sasanian jurists is incorporated into a later editorial framework. Significantly, this material is marked as *oral* and apparently stems from at least three kinds of sources; namely, “direct” statements of Sasanian⁵⁶ authorities,

⁵³ See Hezser, “The Codification of Legal Knowledge,” 617. On the social structure of the rabbinic class which would have allowed for this collection of material, see also Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997), 228–39.

⁵⁴ For example de Menasce, *Une encyclopédie mazdéenne: Le Dēnkard: Quatre conférences données à l'Université de Paris sous les auspices de la Fondation Ratanbai Kattrak*, Bibliothèque de l'École des Hautes Études: Séction des Sciences Religieuses, vol. 59 (Paris: Presses Universitaires de France, 1958).

⁵⁵ While the distinction between ritual and civil law in Sasanian Iran is in some ways artificial, we consider religious law to include all areas integral to Zoroastrian worship (i.e., liturgy, purity, and rituals) and civil law to concern all matters of importance to economy and government. It is worth emphasizing two facts in this regard. First, many of the same Sasanian authorities issue rulings on religious and civil matters. Thus, proficiency would not have been limited to one arena or the other. At the same time, MHD includes relatively little religious law. For a somewhat different account, see Jany János, “The Jurisprudence of Sasanian Sages,” *JA* 294 (2006): 291–323, 311. See also Anahit Perikhanian, “Iranian Society and Law,” in *The Cambridge History of Iran*, vol. 3, part 2, 627–31.

⁵⁶ The period in which these authorities lived has been debated for some time. See Philippe Gignoux, “La controverse dans le mazdéisme tardif,” in *La controverse religieuse et ses formes*, ed. Alain Le Boulluec (Paris: Centre d'Études des Religions du Livre, 1995), 127–49, who claims that all of these authorities are post-Sasanian. Earlier, see Tavadia, *Die mittelpersische Sprache und Literatur der Zarathustrier*, 41, who argues that they were all Sasanian. Similarly, Macuch, *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten*

panied by the Pahlavi verb *guftan*, or it appears without a verb at all. Nowhere in the Middle Persian literature do we find a form such as *pad cāstag *nibišt* "as is written in the teaching."⁶² Significantly, this is true even in *Mādayān ī Hazār Dādestān* – again a work that is careful to differentiate between written and oral sources.⁶³ In addition, it seems likely that a verbal noun derived from *cāstan* "to teach" – generally an oral act – also points to orality. Thus, Pahlavi works apparently treat *cāstags* as oral sources.

By virtue of the existence of two different forms, there apparently is a distinction between the "X said Y" form and *cāstags*. Indeed this observation is confirmed in the *Epistles of Manušcīhr* – admittedly a post-Sasanian (late ninth century) source⁶⁴: "As to that which Abarg said, viz., that two purifiers are necessary – Mēdomāh, on the other hand, said that one is sufficient; (as is clear) from the way (it is said in) his *cāstag*."⁶⁵ Manušcīhr explicitly differentiates between two sources of information, namely, that which Mēdomāh said "himself" (*mēdomāh guft*), and that which appears in his *cāstag*. Also noteworthy is the way an editor may extract an individual statement from a sage's larger collection of traditions (his *cāstag*).

A fascinating passage in *Šāyest nē šāyest* apparently considers the *cāstag* to constitute not merely a larger collection of teachings, but a sage's entire *oeuvre*. Moreover, it relates this *oeuvre* again to oral transmission:

pad dādih <ī> pōryōtkēšān ast kē padiš juddādestān būd hēnd cē <gō>gušnasp az cāstag ī ādur-ohrmazd ud sōšyans az cāstag ī ādur-farrbāy-narsē ud mēdomāh az cāstag ī gōgušnasp ud abarg az cāstag ī sōšyans bē guft

⁶² *Ibid.*, 303, classifies *cāstags* as written sources apparently without support.

⁶³ See for example Elman, "Marriage and Marital Property," 255. It bears noting that in the context of MHD, *cāstag* carries a specific meaning – a theoretical view as opposed to a court practice. See János, "The Jurisprudence," 310–13, and Macuch, *Das sasanidische Rechtsbuch*, 146–49.

⁶⁴ There are no recent, critical translations of this entire work. Readers must cautiously consult Bamanji Nasarvanji Dhabhar, *The Epistles of Mānūshcīhar* (Bombay: Trustees of the Parsee Panchayat Funds and Properties, 1912), and the translation of West, *The Sacred Books of the East*, vol. 18, part 2 (Clarendon Press: Oxford, 1882). Fortunately, Philip Kreyenbroek edited and translated some of the most important passages for our topic; see Kreyenbroek, "The Zoroastrian Priesthood after the Fall of the Sasanian Empire," in *Transition Periods in Iranian History*, ed. Philip Gignoux (Paris: Association pour l'Avancement des Études Iraniques, 1987), 151–66; and *idem*, "On the Concept of Spiritual Authority in Zoroastrianism," *JSAI* 17 (1994): 1–15. See also Maneck F. Kanga, "Epistle I Ch. XI of Manušcīhr Yūdānmīyān," in *A Green Leaf: Papers in Honour of Professor Jes P. Asmussen*, Acta Iranica 28 – Hommages et Opera Minora XII, eds. Werner Sunderman *et al.* (Leiden: E. J. Brill, 1988), 83–91, who also produced editions of a few chapters. I am grateful to Prods Oktor Skjærvø for this reference.

⁶⁵ "Ān ī abarg guft kū dō yōllāhgar ōh abāyēd mēdomāh-iz guft ēk was az ān cīyōn-iš cāstag." Text and translation are those of Kreyenbroek, "On the Concept of Spiritual Authority in Zoroastrianism," 12, with minor adjustments.

ostensibly suggests that the editor received them from an oral source or that at the very least from material that claimed to be originally oral. This phenomenon is accompanied by what I admit to be an argument *ex silentio*: Aside from the *Mādayān ī Hazār Dādestān* I have not found a single instance where the Pahlavi verb for writing, “*nibištan*,” is employed to describe the communication of Sasanian juriconsults in the Middle Persian legal literature that is our focus. More specifically, the authorities named in MHD most often express their opinion through the use of the verb *guftan* “to say,” and far less frequently through that of the verb *nibištan* “to write.” The compiler of the MHD, namely, Farroxmard, son of Wahrām, seems to be generally consistent in his use of these verbs.⁶⁰ While authorities will write and speak, rulings in documents are not “said,” they are exclusively “written.” Thus, the omission of any reference to writing in the direct statements of juriconsults found in other Middle Persian legal literature is quite significant.

The second type of source, the *čāštag*, means “teaching” and is a verbal noun derived from *čāštan* “to teach.” There has not been much discussion regarding the meaning of this term, and in any case little supporting evidence has been cited.⁶¹ The facts remain that the term is sometimes attributed to a specific sage, as in *pad čāštag ī Sōšyāns* “in the teaching of Sōšyāns,” but otherwise can take the unattributed form of *pad čāštag* “in the teaching,” *pad har dō čāštag* “in both teachings,” and other similar variations.

What kind of source did the *čāštag* represent to Middle Persian editors? First, it is noteworthy that in every case I examined, *čāštag* is either accom-

ship since the mid-nineties, students should consult the work of scholars who continue to debate this topic - especially the research of Jacob Neusner and Richard Kalmin.

⁶⁰ To my knowledge, very little research has been conducted that differentiates between the oral and written nature of Farroxmard’s sources. As we note, documents *never* “say” something, rather a matter is written in them. Furthermore, only a handful of named juriconsults are described as both writing and verbally articulating their rulings – often in a court setting. All other juriconsults exclusively “speak” their rulings. Thus, Farroxmard does not indiscriminately attribute verbs of speech and writing to the various named juriconsults. Furthermore, MHD is accurate in the way it describes mixed sources that include (originally) oral material that was transmitted through writing. MHD’s anonymous *dastwārs* do not write their teachings down; rather, written works merely cite their marked, oral teachings. See for example the form “*pad gūft ī dastwārān ōwōn nibišt kū ...*” “it is thus written according to [that which was] said by the *dastwārs* ...” (MHD 22.1, 55.1), or “*az dastwārān nibišt kū*” “it is written from [the authority] of the *dastwārs* ...” (MHD 6.6, 13.6). These Zoroastrian priests are depicted as having *spoken* their rulings even when these originally oral statements appear *written* in a document. Still, despite a striking consistency in Farroxmard’s use of the verbs of speech and writing, there are times where he begins a paragraph with the form “*abāg anī guft*,” “it is said with that [i.e., the preceding]” (MHD 28.5–7), even immediately after citing a written source.

⁶¹ See Perikhanian, *The Book of a Thousand Judgments*, 19, n. 11, and János, “The Jurisprudence,” 303–07.

*ēē pad sidigar fragard ī jud-dēw-dād ī mēdomāh paydāg kū andar ān zamān ka<-š>
gyān bē šawēd ka-š sag-ēw andar pāy bast ēstēd pas-iz nasuš abar *ōh dwārēd ud
pas ka-š *wēnēd ā-š nasuš *ōh zanēd*⁷⁰

For in the third chapter of Mēdomāh's *jud-dēw-dād* [commentary] it is revealed that at the time that the soul "goes away," when a dog is tied to his feet, even then the *nasuš* (the corpse demoness) rushes [to the corpse] in the regular way. And afterwards when [the dog] sees [the *nasuš*], then he smites the *nasuš* in the regular way.⁷¹

Šāyest nē šāyest describes a ruling from the third chapter of Mēdomāh's commentary on the *Videvdad*. A different ruling from this same commentary, in this case from its fifth chapter, is cited not much later at *Šāyest nē šāyest* 2.12.⁷² We appear to have here neither an independent statement of Mēdomāh nor a ruling from his *čāštag*, rather reference to a commentary that he composed on the *Videvdad*. In this case, the predicate of the sentence is "*paydāg*," that is, "[is] revealed/well known." Notably, "*paydāg*" is one of the most common terms for citing Avesta or traditional religious knowledge (*dēn*) in Middle Persian literature. It also seems to refer to oral teaching.⁷³

Aside from these fleeting references, to my knowledge Pahlavi literature does not mention any other attributed *zands*. The Middle Persian *zands* that have come down to us, such as *Pahlavi Videvdad*, do not claim allegiance to a particular school, and they accordingly present themselves as anonymous works whose authority is self evident. Nevertheless, despite its virtual absence from the academic canon,⁷⁴ *Zand ī fragard ī jud-dēw-dād* may help us speculate about what these particular *zands* may have looked like. At this stage in the research it is already apparent that *Zand ī fragard ī jud-dēw-dād* follows the program of translations, glosses, and extended discussion found in *Pahlavi Videvdad*.⁷⁵ It begins with chapter five and moves along unhurriedly to subsequent chapters.⁷⁶ An interesting feature of *Zand ī fragard ī jud-dēw-dād* is its distinct style that is sometimes expressed in the first person - especially when this voice disagrees with the opinion of other authorities. It is possible that we have in the form of *Zand ī fragard ī jud-dēw-dād*

⁷⁰ Transcription based on Tavadia, *Šāyest nē Šāyest*, 30, with significant adjustments.

⁷¹ Translation is mine.

⁷² For text and translation, see Tavadia, *Šāyest nē Šāyest*, 36; and Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*, 223–25.

⁷³ Again, MHD provides one piece of evidence; it describes a statement as verbally stating (*abāg ān gufi*) a ruling that is apparent from the Avesta (*az abestāg paydāg*).

⁷⁴ Götz König of the *Institut für Iranistik* at the Freie Universität Berlin, Prods Oktor Skjærve, Yaakov Elman, and myself are slowly working through one of only two extant manuscripts of the text. Accordingly, my comments here are tentative in the extreme.

⁷⁵ However, unlike other extant *zands* it does not cite the Avestan original.

⁷⁶ Apparently, *Zand ī fragard ī jud-dēw-dād* (henceforth ZFJ) omits chapters 1, 2, and 19–22. See de Menasce, "A Provisional Handlist of the late E. W. West's Papers," 60. In addition, we should note that not infrequently, ZFJ incorporates material that in our version of PV is found in other chapters. See discussion below.

*ud hamāg pōryōtkēšān pad ēn sē cāštag ēstēnd ud aziš ast ī susttar ud ast ī saxtār ēstēnd*⁶⁶

In the law of the Ancient Teachers there are those who are in disagreement regarding it [i.e., the aforementioned punishments in *Šāyest nē šāyest* 1.2 – S.S.], for Gōgūšnasp spoke from the teaching of Ādur-Ohrmazd, and Sōšyans from the teaching of Ādur-Farrbāy-Narsē, and Mēdomāh from the teaching of Gōgūšnasp, and Abarg from the teaching of Sōšyans.

And all the “Ancient Teachers” abide by these three(!) commentaries. And out of them there are some who abide more leniently and there are some who abide more strictly.⁶⁷

This passage is unique in its description of two traditions of law, one stemming from Ādur Ohrmazd and the other from Ādur-Farrbāy-Narsē. Formally, the debate concerns the monetary value of Avestan punishments, and we might have imagined that the *cāštag* in question relates specifically to this matter. Instead, *Šāyest nē šāyest* uses this as an opportunity to make a broader statement about Sasanian law.⁶⁸ What presently interests us is the way in which these *cāštags* are presented. Note that the past participle *guft* “spoke” describes how each of these jurisconsults transmits the teaching of his master. The scheme is clearly one of oral tradition which is depicted as descending from previous generations down to later authorities. As *Šāyest nē šāyest* states, there are three official *cāštags* of which subsequent Zoroastrian jurisconsults must agree with at least one.⁶⁹ It is possible that the term *cāštag* retains both of these meanings; specifically, the *entire* tradition of a specific authority or group of authorities, and also a collection of rulings that is connected to a specific area of law or to a particular sacred text.

Finally, there is evidence of *zands* that are associated with individual Sasanian authorities. Once again, *Šāyest nē šāyest* furnishes us with an example:

⁶⁶ ŠnŠ 1.3–4. Transcription from Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*, 211, with minor adjustments. See Tavadia, Tavadia, *Šāyest nē šāyest*, 28–29.

⁶⁷ Translation and emphasis are mine.

⁶⁸ While Middle Persian texts contain numerous debates between named authorities, we do not generally find “self-aware” traditions like this one which discuss the origins, or even the existence of long-standing debates. Exceptions include a number of passages in the *Epistles of Manuščehr*. See Kreyenbroek, “On the concept of Spiritual Authority,” for further discussion. In addition, Kay-Ādur-Bōzēd notes that “the ‘Ancient Teachers’ have not taught the Avesta without dissent, but as to this pronouncement there is agreement.” Two other authorities continue: “There is one who says thus: ‘Indeed on other (matters) there is none.’ There is one who says: ‘Even in this (matter) there is none.’” See *Nērangestān*, Fragment II, 28.43 as it appears in Firoze M. Kotwal and Philip Kreyenbroek, *The Hērbedestān and Nērangestān*, vol. 3 (Paris: Association pour l’Avancement des Études Iraniennes, 2003), 102–03.

⁶⁹ Actually, ŠnŠ cites six authorities before referring to “three teachings.” See Tavadia, *Šāyest nē šāyest*, 29, n. 4. Other Pahlavi sources also recognize a tradition that there are three “official” teachings, which must be observed. See Kreyenbroek, “On the Concept of Spiritual Authority,” 10–11.

on at least one occasion modified by a verb of speech, like "as I was saying."⁸⁰ In addition, one of *Zand ī fragard ī jud-dēw-dād*'s most peculiar phrases⁸¹ *az man bē*, that is, "[as] from my [teaching]," in at least one instance appears with the verb *guffan* "to say."⁸²

Thus, although there is no conclusive evidence, there are indications that all three types of sources, namely, individual statements, *čāštags*, as well as the editorial layer of the "private" *zands*, were oral. Roman law⁸³ and rabbinic literature⁸⁴ share some similarities with these textual building blocks. However, only in the Bavli do we find fully analogous reliance on oral units: statements, legal and narrative collections, and previously redacted *sugyot*. Again, despite the evidence that they were indeed oral, the orality of discursive and "layered" texts such as the Bavli and Middle Persian literature seems difficult to fathom. While I do not believe that we currently have the tools to fully account for the fundamentally different model of oral transmission that the Sasanian corpora represent, I do wish to highlight one shared aspect. Specifically, the discursiveness of the Bavli and Pahlavi legal literature can be related to their respective pedagogic environments. As we saw in *Šāyest nē šāyest* 1.3, the scholastic environment of the Sasanian commentators was one in which later authorities transmitted the teachings of previous generations via an act of speech. That is, Zoroastrian sages "spoke" (*gufi*) the teachings of their master.⁸⁵ In rabbinic literature, the naming of previous authorities can be linked to the processes of oral transmission. This aspect of rabbinic culture is ubiquitous and constitutes one of its central foundational myths.⁸⁶

⁸⁰ *Hērbedestān* 2.1, Kotwal and Kreyenbroek, 21. Although the compiler of MHD does in one instance use the first personal singular form of the verb "to say" (*gōwēm*), this signifies not an editorial comment, but rather participation in a debate. In any case, the parallel to this comment omits the verb of speech. Furthermore, Farroxmard's true editorial comments do indeed use the verb "to write." See note 24 above.

⁸¹ See for example Ms. TD2 436.2; 438.11; 441.3; 446.14.

⁸² All other instances appear without a verb and should probably be supplied with *gufi*.

⁸³ See Hezser, *The Codification of Legal Knowledge*, esp. 615–19.

⁸⁴ Rabbinic literature recognizes "private" collections of tannaitic sages. See for example Qohelet Rabbah 6:2, Songs Rabbah 8:2, and b. Sanhedrin 86a. In addition, the two Talmuds, especially the Bavli, are careful to differentiate between direct amoraic statements and those derived by late rabbis via inference in ways similar to the above cited Epistle of Manuṣṭīhr. For a summarizing account of some of the research done on different sources at the disposal of the Bavli's redactors, see Stemberger, *Introduction to the Talmud and Midrash*, 45–55.

⁸⁵ See also Kreyenbroek, "The Zoroastrian Priesthood after the Fall of the Sasanian Empire"; and *idem*, "On the Concept of Spiritual Authority in Zoroastrianism," 13.

⁸⁶ I am thinking primarily of Mishnah Avot 1:1–12. Of course we need to be cautious of the difference between history and ideology. Students of rabbinic literature have begun to consider the problems inherent in this dichotomy. See for example Elizabeth Shanks Alexander, "The Orality of Rabbinic Writing," in *The Cambridge Companion to Rabbinic Literature*, 38–57; Jaffee, *Torah in the Mouth*, 84–99, Amram Tropper, *Wisdom, Politics, and*

an example of a *Videvdad* commentary not entirely unlike the one attributed to Mēdomāh in *Šāyest nē šāyest* – though of course *Zand ī fragard ī jud-dēw-dād* is anonymous and by virtue of the commentators it quotes, it is certainly later.⁷⁷ The existence of chapter numbers in Mēdomāh's commentary as we find in the earliest manuscripts to *Pahlavi Videvdad*, as well as the shared citation terminology used to introduce it and the Avesta, indicate that these "private" *zands* did not constitute works separate from the official Pahlavi *zand* – if one even did exist. In light of what we presently know about *Zand ī fragard ī jud-dēw-dād*, we might further speculate that these commentaries shared the general scheme of the now canonical *zand* and included its Pahlavi translation, perhaps the glosses to that translation as well, and maybe even some version of the extended discussions. The "private" *zands* apparently represent an authority's distinct appropriation of the material that was handed down to him, and which he then transmitted to the next generation. In short, what we currently recognize as the *Pahlavi Videvdad* was in reality one version of many.⁷⁸ Indeed, one may say that all of the *zands* as they have come down to us in the earliest manuscripts represent the final version of either a specific Zoroastrian teacher or "working group," which in turn may have co-opted earlier "individual" versions of the *zand*.

This insight helps explain the occasional use of the first-person in the *zand* and in particular, the "individualistic" style of *Zand ī fragard ī jud-dēw-dād*. Regarding the latter, these expressions generally take the form of learned asides, which, as I indicated earlier, have been understood to represent a writerly context. However, comparison with some other Pahlavi texts allows us to posit that these expressions indeed imply orality. For example, the Pahlavi Rivāyat accompanying the *Dādestān ī dēnīg* – a post-Sasanian work⁷⁹ – contains numerous references to writing. These include statements such as: "this chapter where I write in detail," "... just as I have written," "I have written the details below," and "it is as I have written." By contrast, the first-person comments in the *zands* are *never* associated with writing and are

⁷⁷ That is, since ZFJ cites Mēdomāh and his colleagues, it must post-date them. Accordingly Mēdomāh's commentary would represent an earlier version of the ZFJ's genre that presumably did not quote Mēdomāh by name. See Götz König, "Zum Pahlavi-Text 'zand ī Juddewdad,'" paper presented at the Societas Iranologica Europaea's Sixth European Conference of Iranian Studies, Vienna, Sept. 21, 2007.

⁷⁸ See Cantera, *Studien zur Pahlavi-Übersetzung des Avesta*, 220–31. ZFJ's survival in two manuscripts and its recent "rediscovery" merely reminds us of the pervasive tenuousness and random selection endemic to the study of many ancient cultures and religions. If the Zoroastrian community had enjoyed more fortunate circumstances in the last three centuries of the first millennium C.E. and beyond, we might have imagined the survival of many more versions of PV.

⁷⁹ See Alan V. Williams, *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*, vol. 1, *Historisk-filosofiske Meddelelser* 60, 1 (Copenhagen: Det Kongelige Danske Videnskabernes Selskab, 1990), 8–9.

"No Talking During a Meal"

Zoroastrian Themes in the Babylonian Talmud*

SHAUL SHAKED

A famous rabbinical dictum says: אין מסיחין בסעודה "No talking during a meal." It is widely known and frequently quoted, but is perhaps the one religious command most consistently ignored.

The maxim occurs only once in the Babylonian Talmud,¹ and never in the Palestinian Talmud. The very context where it occurs belies its validity as a directive for behaviour. It is said by Rabbi Isaac in a meal which he shared with R. Nahman, in reply to a request addressed to him by the latter: "Do, Sir, say something." The request should be understood as meaning: "Let me hear from you a word of wisdom on religious matters; please expound to me a difficulty of interpretation in a matter of law." In reply, Rabbi Isaac says: "Thus said R. Yohanan: 'There is no talking while eating' for fear of choking." What he says precisely is: שמא יקדים קנה לושט ויבוא לידי סכנה "for fear that he may cause the opening of the windpipe to come before that of the asophagus, and that he may thus get into danger." In other words, R. Isaac's excuse for not offering his reflections on the Torah is that speaking with a full mouth is potentially a life-threateningly action. Rabbi Nahman seems to have been unaware of this health problem, and to have been in the habit of ignoring this maxim. He obviously expected his companion (or master) to launch a learned discourse in the midst of a meal. R. Isaac ultimately delivers his exposition *after* the meal, and in the course of that discourse he again quotes R. Yohanan as his authority. Although this episode occurs only in the Babylonian Talmud, it may be understood to be set in the Land of Israel. Both Rabbi Yohanan (Bar Nappaha) and Rabbi Isaac (Nappaḥa) are prominent Palestinian sages of the early period (belonging to the second and third generations of Amoraim).² The anecdote is part of a long sequence of discourses in which R. Nahman puts questions and R. Isaac gives answers.

Not only does this context show that silence during a meal was not normally observed by the sages, it also stands in contrast to the common expe-

* This article is partly based on work done for the Middle Persian Dictionary Project, supported by the Israel Science Foundation (Grant No. 985/06).

¹ B. Ta'anit 5b.

² See Chanoch Albeck, *Mavo la Talmudim* (Tel Aviv: Devir, 1969), 184–85, 252–53.

Studies of oral literature have identified poetic, versified, elements as key features of oral transmission. Although these texts constitute mosaic collections of earlier material,⁸⁷ the redactional seams are elided as earlier material is transformed into new compositions. While this is generally the case regarding the sources that have been the focus of research on orality up until this point, the Bavli and Middle Persian legal texts present a different textual form that oralists cannot afford to ignore. Recent research into the role of dialectics in Babylonian rabbinic culture can help further our understanding of the Bavli's oral nature.⁸⁸ In addition, the nature of learned discussions and editorial asides in the discursively less complex Pahlavi legal literature offer a more "level" field of data to be mined by Talmudists and oralists alike. What is significant for orality studies as well as the mutual understanding of the production of the Bavli and Pahlavi legal literature is that the discursive elements of these corpora do not appear to originate in the silence of the scriptorium, rather in the din of the rabbinic house of study and the *Hērbdestān* – the Zoroastrian school of priestly studies. While scholars have focused on the role of performance or dramatics in their research of oral transmission, this paper suggests that the poetics of the "study-hall" and pedagogy must contribute more to our understanding of orality.

With this paper, I have embarked on a journey into the largely unexplored territory of orality in Middle Persian legal texts and only barely touched upon the interface between textual production in Sasanian Zoroastrian and rabbinic circles. Before we are able to properly conduct more definitive comparisons of the composition of the Bavli and Pahlavi literature, scholars in both fields must continue their research into the editorial processes of these corpora. At the very least, I hope I have demonstrated that the outcome of further inquiry along these lines has the potential to further our understanding of the relationship between Sasanian rabbis and Zoroastrian priests, as well completely reorient our thinking about the oral nature of these and other late antique texts.

Historiography: Tractate Avot in the Context of the Graeco-Roman Near East (Oxford: Oxford University Press, 2004), 208–40.

⁸⁷ See Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990), 4.

⁸⁸ See for example Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2004), 16–66. This aspect of Babylonian rabbinic school should likewise be contrasted with the state of affairs in the Eastern Christian schools – an environment comparatively scholastic yet one which did not seem to favor oral transmission.

to him: When he⁸ wishes to converse with (his companion), he (needs to) rise and sit upright (so as to) speak to him! He (the exilarch) said to him: The Persians are different, for (among them) one indicates (one's meaning) by *mḥwg*.

By marking the Persian etiquette as "different," the exilarch indicates that the rule of silence during a meal was not commonly observed among Jews.

The sense of the word *mḥwg* has recently been brilliantly explained by Geoffrey Herman,⁹ who pointed out the similarity of this word with a Zoroastrian term in Middle Persian, *māwā(g)*. The Persian word indicates a manner of communication enjoined in ritual situations where speech is forbidden, and where one must use instead inarticulate sounds so as to avoid opening one's mouth to ask or demand things from one's companions. The different custom of the Persians is explained in this passage by the fact that they need to sit up when they wish to communicate, because the undertone mumbling which serves for their communication can only be effective when the person addressed can see the gestures of the person who formulates his request.

In order to understand the *māwāg* requirement, let us quote from a modern description of Indian Zoroastrian customs as given by Jivanji Jamshedji Modi:

It is enjoined that after the recital of the Bāj or grace before the meals, one must hold silence and take his meals in silence and not to talk or speak during the meals. If one has to speak for urgent purposes, he may do so, not with his mouth open and in the open ordinary tone, but in a suppressed tone, and that as little as possible. This utterance with a suppressed tone is technically said to be 'speaking in Bāj' (*bājā bolvun*).¹⁰

The Zoroastrian requirement is to remain in complete silence from the *bāj* or blessing before the meal until the concluding prayer (spoken after the meal), also called *bāj*. During the whole of this period a person is, according to the terminology employed by the Parsees of India, in a state of *bāj*, a ritual state during which silence is required, for words uttered may interrupt the sequence of the *bāj*. The modern designation *bāj*,¹¹ which denotes the ritual

in the hierarchy is set against that of his senior, while "below" indicates that the head of the inferior person is placed against the feet of his senior.

⁸ Anyone of the participants.

⁹ Geoffrey Herman, "The Exilarchate in the Sasanian Era" (Ph.D. diss., Hebrew University, 2005), 243–48.

¹⁰ Jivanji Jamshedji Modi, *The Religious Ceremonies and Customs of the Parsees* (second ed., Bombay, 1937), 351.

¹¹ The basic meaning of the word is "(sacred) word, speech." See Mary Boyce and Firoze Kotwal, "Zoroastrian *bāj* and *drōn*," *BSOAS* 34 (1971): 57. A discussion of this ritual requirement can also be found in Michael Stausberg, *Die Religion Zarathushtras: Geschichte, Gegenwart, Rituale*, 3 vols. (Stuttgart: Kohlhammer, 2002–2004), vol. 3, 18–20. The practice has been largely abandoned in modern times.

rience of people in a society where social intercourse is very frequently connected with dining together while having a conversation. The main ritual of Passover in the Talmudic period, for example, is a festive dinner during which the participants are encouraged to share their knowledge and recount anecdotes concerning the Exodus from Egypt.

The two contrasting instances which we have just mentioned, R. Yohanan's maxim, and the opposite instance, that of the Passover dinner, provide us with a clue as to the meaning of this divergence. The Passover dinner is devised on the model of a Hellenistic symposium, with people reclining on cushions and socializing over a meal, while R. Isaac represents a different social and religious tradition, where it is strictly forbidden to talk during a meal. The health excuse used by R. Isaac sounds like an attempt to provide a rational explanation for a custom that may have had its roots elsewhere. We know of at least one religion in Antiquity, Zoroastrianism, where it was a major offence to talk while eating. In this particular case, historical Judaism eventually followed the Hellenistic rather than the Persian norm over the issue of whether or not to have a communal meal accompanied by a learned conversation.

R. Yohanan's words are not entirely forgotten in the later course of Jewish tradition. They are taken up here and there in the late midrashic literature. In *Sefer Orhot hayyim*,³ for example, we have the injunction not to talk during a meal, not even concerning matters relating to the Torah, echoing the idea behind the anecdote of R. Isaac.

While R. Yohanan's dialogue is set in the Land of Israel, the Babylonian Talmud demonstrates its awareness of the Persian custom. We get an allusion to the Persian requirement of refraining from speech while eating in a different context:

א"ל ריש גלותא לרב ששת אע"ג דרבנן קשישי אתון פרסאי בצרכי סעודה בקיאי מיניכו בזמן שהן שתי מטות גדול מסב בראש ושני לו למעלה הימנו ובזמן שהם שלש גדול מסב באמצע שני לו למעלה הימנו שלישי לו למטה הימנו אמר ליה וכי בעי אשתעויי בהדיה מתריץ תרוצי ותיבי ומשתעי בהדיה א"ל שאני פרסאי דמחוי ליה במחוג⁴

The exilarch said to Rav Sheshet: Although you are elderly⁵ rabbis, the Persians are acquainted with the requirements of a meal better than you. When there are two couches, the senior one reclines at the head,⁶ and the one next to him above him. When there are three couches, the senior person reclines in the middle, the one next to him above him and the third (in the hierarchy) below him.⁷ He (Rav Sheshet) said

³ See Judah David Eisenstein, *Otzar midrashim*, 2 vols. (New York, 1915), 27, maxim 37.

⁴ B. Berakhot 46b.

⁵ I.e., "venerable."

⁶ I.e., "first."

⁷ The terms "above" and "below" refer to horizontal positions, rather than to a gradation in height. According to Rashi *ad loc.*, "above" denotes that the head of the next person

which says: "no servant who waits upon them, or stands at table, is allowed to open his mouth, either to speak or to spit. Thus the mouths of all are bound with strips of leather spread over them."¹⁷

How to interpret the correspondence between the Talmudic maxim concerning a practice never widely observed in Judaism, and the Zoroastrian precept, is not very clear. The Zoroastrian practice is firmly embedded in the Iranian ritual: it carries with it a heavy load of tradition and is surrounded by a whole network of ritual explanations. The fact that on the Jewish side this requirement is isolated may indicate that it is not originally a Jewish idea.

The practice of the *kustīg*, the belt that a Zoroastrian is enjoined to wear around the waist at all times, provides another example of Judeo-Iranian contacts. Among its other symbolic functions is the idea that this belt or girdle marks the separation of the two parts of the body: the upper part, which is the residence of thought and speech, and the lower part, where the lower bodily functions take place.¹⁸ There is a large body of literature that deals with the meaning of the *kustīg*, and, as we shall see, there are probable allusions to it in the Talmudic literature.¹⁹ To quote one of the many Zoroastrian passages which deal with this requirement:

If men have untied the *kustīg* and have put on (only) the shirt of one piece, the first step they take is one *framān* sin, the fourth step is for them one *tanāpuhl* sin, and then, until he stops, it is not more than one *tanāpuhl* sin.²⁰

This passage gives a precise definition to the sin of walking about without a *kustīg* or sacred girdle, separating it from the sin of not wearing the sacred shirt (*pērāhan*, usually known in later Zoroastrianism as *sudra*). The terms *framān* and *tanāpuhl* indicate two degrees of sin, in rising hierarchy. In the

¹⁷ Ammianus Marcellinus, *History*, 23.6.80. I have used the translation of John C. Rolfe, ed., *Ammianus Marcellinus: History*, 3 vols., The Loeb Classical Library 300, 315, 331 (Cambridge, Mass. and London: Harvard University Press, repr. 1982, 1986, 1986), for the first part of this section, but modified it for the last phrase. The strips of leather may have been used as a precaution against spitting; a similar mouth covering, the *padām*, is still being used by priests during the service of fire.

¹⁸ This separation is explained in Homi F. Chacha, *Gajastak Abālish, Pahlavi Text with Transliteration, English Translation, Notes and Glossary* (Bombay: Sir Jamshedji Jejeebhoy Translation Fund, 1936), 23–25, 45–46, 88–103; see Michael Stausberg, "The Significance of the *kusti*: A history of its Zoroastrian Interpretations," *East and West* 54 (2004): 9–29, especially 15.

¹⁹ See the survey of the history of Zoroastrian interpretations of the *kustīg* by Stausberg, vol. 1, 350–51. A discussion of the symbolism of the girdle in Iranian culture over a wide period of time is in Geo Widengren "Le symbolisme de la ceinture," *Iranica* 8 (1968): 133–55. A survey of the shapes of girdles in Iranian antiquity is given by Roman Ghirshman, "La ceinture en Iran," *Iranica* 14 (1979): 167–96.

²⁰ *Pahlavi Rivāyat Accompanying the Dādestān ī dēnīg* (henceforth *PRDd*), 11:1. My translation follows that of Alan V. Williams, *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*, 2 vols., Historisk-filosofiske Meddelelser, 60:1–2 (Copenhagen: Det Kongelige Danske Videnskabernes Selskab, 1990).

texts, has come to replace the original term *māwāg*.¹² It was expanded in the process to include the silence requirement between the two *bāj* acts.

The Zoroastrian injunction of silence during a meal is reminiscent of the Jewish demand not to break the continuity from the ritual washing of the hands before a meal, through the blessing over the bread at the beginning of the meal, to the first consumption of bread.¹³ Not only the scruple about continuity, but also the actual practice, is similar in the two religious cultures. In Judaism too, when the need arises to say or request something urgent, the person involved uses a combination of non-specific sounds and gestures in order to indicate what he wants, thus avoiding a break in the continuity.

To consider this point in a larger context, we may recall that one of the most grievous sins in Zoroastrianism is known by the term *drāyān-jawīšnīh* "eating while chattering."¹⁴ This is another formulation of the idea that talking while eating is strictly forbidden and is considered to be a devilish act. The most extensive discussion of the custom of silence during a meal is in the *Dādestān ī dēnīg* (henceforth *Dd*), ch. 39.¹⁵ The explanation given in the text is that the mouth should not be "polluted" by food when one gives praise to the deity (*yazdān*). It may be assumed that the food is not by itself polluting, but it is considered to interfere with the recitation, for the mouth should be held empty. In order to clear the mouth properly for uttering the *bāj*, it is necessary to clean it thoroughly by using a toothpick. Another doctrine allied to this is that speaking entails a movement from the mouth outwards, while eating implies a movement in the opposite direction, and it is inadmissible to perform the two opposite activities at the same time.

Two other considerations may be noted. Speaking between the two *bāj* acts constitutes a break in continuity, as we have seen. The chapter in which Ardā Wirāz observes, during his mission to the other world, the cruel punishment given to someone who spoke during a meal,¹⁶ is based on this idea. The other, not explicitly mentioned in the Zoroastrian sources, is that speaking with a full mouth may cause an accidental spitting of saliva. This, like most other bodily discharges, may cause pollution. An allusion to this may possibly be detected in the remark made by Ammianus Marcellinus,

¹² The etymology of *māhwāg* is not clear. It seems apparent that the Talmudic spelling, with an internal *h* (quite possibly standing for *h*), has a good chance of representing better the original shape of the word. If this is true, we may think of explaining the word as derived from **mih-āwāg* "a false utterance," or even from **meh-āwāg* "a great(er) utterance" (an ironical designation of silence or mumbling?). The habitual palatalization of the last consonant is however absent from this reconstruction.

¹³ For this continuity see b.Berakhot 52b.

¹⁴ See Boyce and Kotwal, 303–04. A full description of the conditions of *drāyān-jawīšnīh* is in Jehangir C. Tavadia, *Šāyast-nē-šāyast: A Pahlavi Text on Religious Customs*, ed., transliterated, and translated (Hamburg: Friederichsen, De Gruyter & Co., 1930), ch. 5.

¹⁵ A full translation is given in Appendix B.

¹⁶ See *Ardā Wirāz Nāmag*, chapter 23 (see Appendix C).

vitute to the lord" (*Dd* 38.11). The *kustīg* is thus a symbol of human equality in the presence of God.

The girdle (*kustīg*) is compared to the luminaries that surround the material world, or else to wisdom, which likewise encircles the all-knowing *yazdān* (*Dd* 38.14). The universe has its own girdle, just like humans. The *kustīg* has the effect of frightening away the demons (*Dd* 38.16).

In Zoroastrian mythology, Jam (the ancient Yima) is invoked in connection with the *kustīg* prescription. He desired to attribute to himself supreme lordship.²⁵ After he repented, he advocated the path of moderation, which is made manifest by tying the *kustīg* girdle around one's waist (*Dd* 38.19–21), and became the first advocate of the practice of wearing a girdle. The next figure to be mentioned is Zardušt, the prophet of God (*Dd* 38.22).

People, we are told, should "wear this righteous enclosure of the religion which shows ritual servitude to the creator, visible in the middle of the body. It is the greatest breaker of the power of distress (?), the one that most blocks (?) the path leading to sin, and the greatest diminisher of the will of the demons" (*Dd* 38.23).

If people do not wear the *kustīg*, danger and distress come into the world, which indicate the strengthened presence of the demons (*Dd* 38.25–26).

Another theme in connection with the *kustīg* is the fact that it is placed in the middle of the body, around the waist, and thus symbolizes, on the one hand, the path of moderation, and, on the other, it marks a borderline separation of the two areas of the bodily functions: below it is the passage of lineage reproduction, as well as death, and above it is the activity of the intellectual and cognitional functions of the person (*Dd* 38.27–29).

The *kustīg* is surrounded by different knots and rituals, which add to its power (*Dd* 38.30). The discussion of the *kustīg* concludes with the observation that Zoroastrians are not the only ones to possess a girdle tied around the waist, and that adherents of most other faiths and groups have a similar feature (*Dd* 38.31).

One of the themes that have come up is the idea that the girdle in the waist creates a separation between the two halves of the body, the upper portion being devoted to the intellectual functions, and the lower one to the less refined bodily activities (*Dd* 38.27–29). It is of interest to note that there is a

²⁵ This is connected with the widespread motif of the sin of Jamšēd, for which see Shaul Shaked, "First Man, First King: Notes on Semitic-Iranian Syncretism and Iranian Mythological Transformations," in *Gilgul: Essays on Transformation, Revolution and Permanence in the History of Religions Dedicated to R. J. Zwi Werblowsky*, eds. Shaked, David Shulman, Guy G. Stroumsa, *Studies in the History of Religions – Supplements to Numen*, 50 (Leiden: E. J. Brill, 1987), 238–56; reprinted in Shaked, *From Zoroastrian Iran to Islam: Studies in Religious History and Intercultural Contacts*, Collected Studies Series, CS505, (Aldershot: Variorum, 1995), especially 143, n. 18.

same chapter, other offences are enumerated with their respective weight in the scale of sins: "Running about with one shoe" (*ēw-mōg-dwārišnīh*) is an offence which has the same negative value as walking about more than three steps without a *kustīg*, and a similar degree of sin is to urinate while standing, or to emit semen uselessly (*a-kār*),²¹ or to spoil food, and other offences.

What is the purpose behind the requirement to wear a girdle tied round the waist? As with most rituals, we should not expect to get a single official answer to such a question. Ritual requirements are more or less independent of explanation.²² The ones given are not necessarily unanimously acknowledged, nor do they always reflect a "true" or original reason for the requirement.

Chapter 38 of *Dādestān ī dēnīg* coming close before the chapter, which mentions the requirement of silence during a meal, makes certain observations of a general nature.²³ God, "the all-good, most spiritual of spirits, most lordly of lords, the creator of the good," is not dependent on the worship offered to him. He is in no need for the poor members of mankind to do anything for him, "for everything belongs to him" (*Dd* 38.2). The *kustīg*, it is stressed, is a sign of human servitude to God (*Dd* 38.2), and the merit of humility in the presence of the deity is highly extolled (*Dd* 38.5). Further, we are told that the *kustīg* is "the messenger of *yazdān*²⁴ from the religion, which has no deceit, whose indication is related to knowledge, with propitiation which is based on certainty, through wisdom which is in truth religion" (*Dd* 38.10). The fulfilment of this practice is conducive to salvation from guilt, i.e., to being acquitted in the final judgement, and thus to attain to the state of the righteous in the afterlife (*Dd* 38.10). The *kustīg* keeps one's thought, speech, and action away from sin (*Dd* 38.12), and it also serves as a reminder to stay away from sin (*Dd* 38.12).

The requirement of wearing a *kustīg* is incumbent on all, no matter what their social status: "just as it is firmly established that it is fitting that the smallest servant and the greatest lord should wear on their body a girdle which is the sign of servitude, and just as it is not proper, even for a short time, to hold on to a (state of) having no master, and to depart from servitude, (so) it is also not fitting to walk about ungirdled without a mark of ser-

²¹ This terminology is reminiscent of the Hebrew phrase מוציא שבת (זרע לבטלה) (B. Nidda 13a; Kalla ch. 1:18).

²² This is a central argument of Ithamar Gruenwald, *Rituals and Ritual Theory in Ancient Israel* (Leiden and Boston: E. J. Brill, 2003) e.g., 2–5, 13–19. See also Stausberg, "The Significance of the *kusti*," 27.

²³ A detailed summary and analysis of this chapter is given by Stausberg, "The Significance of the *kusti*," 17–20. The same article also discusses other Pahlavi texts presenting the virtues of the *kustīg*. A full translation is given in Appendix A.

²⁴ The deities or spiritual and material beings that act in the service, or at the behest of Ohrmazd. The term *yazdān* is often applied to Ohrmazd himself and used as a singular.

up, and the king lowered it for him, while quoting a verse from Ex. 19:6, "You will be for me a kingdom of priests and a holy nation."³³ The story is quoted in the context of an extensive discussion of the requirement for priests in the Temple to wear a girdle (*abhnat*), as mentioned e.g., in Ex. 28:4. Huna bar Natan is not only recorded as wearing something similar, he is also made to quote the gesture of the Sasanian king as an authority as to the precise location where the girdle is to be placed on the body of priests in the temple. This is cited in support of the statement by R. Abbaye, said by relying on the verse, "They shall not gird themselves in perspiration" (Ez. 44:18), which he interprets by saying: "They shall not gird themselves in the place where people perspire, as it is said in the Mishna: When they gird themselves, they should not gird themselves (in a place) lower than their waist or upper than their elbows, but facing their elbows."³⁴ It is remarkable that the anecdote concerning the Persian king is mentioned within a rabbinical discussion as to the correct position of the girdle for Temple priests.

It may be mentioned that a gem seal made for Huna bar Natan seems to have survived. It is at present preserved in the Hecht Museum at the University of Haifa.³⁵ There seems to be no strong reason to doubt the antiquity of this object, or to deny that it may indeed be a seal of the Talmudic sage Huna bar Natan. The stone carries the name, alongside a representation of three objects: a *lulav*, an *etrog*, and in the middle between them an incense shovel (*maḥta* or *ya'e*). While the two objects connected with the feast of Tabernacles may be general Jewish symbols, the incense shovel can be said to have a more specialized meaning. This object probably indicates that its owner was in some way associated with the temple cult, perhaps by being a

Aruch Completum Alexandri Kohut (Vienna: Publications of the Alexander Kohut Memorial Foundation, 1937), 159; Walter B. Henning, *apud* Franz Rosenthal, *A Grammar of Biblical Aramaic*, Porta Linguarum Orientalium, Neue Serie, V (second revised ed., Wiesbaden: Otto Harrassowitz, 1963), 59; Shaked, "Items of Dress and Other Objects in Common Use: Iranian Loanwords in Jewish Babylonian Aramaic," in *Irano-Judaica*, vol. 3, eds. Shaul Shaked and Amnon Netzer (Jerusalem: Ben-Zvi Institute, 1994): 109–110.

³³ The story is judged to be formulated in a legendary framework, but to contain a kernel of historical truth by Moshe Beer, *The Babylonian Exilarchate in the Arsacid and Sassanian Periods* (Tel Aviv: Devir, 1970), 46–47. Isaiah M. Gafni, *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History* (Jerusalem: Merkaz Zalman Shazar le-toldot Yisrael, 1990), 255, remarks that chronologically the juxtaposition of the two persons fits in with the tradition recorded by R. Sherira Gaon.

³⁴ B. Zebahim 18b–19a.

³⁵ Published in Shaked, "Epigraphica Judaeo-Iranica," in *Studies in Judaism and Islam Presented to S. D. Goitein*, eds. Shelomo Morag, Issachar Ben-Ami, and Norman A. Stillman (Jerusalem: Magnes Press, 1981), 65–68, with plate V-a; see also Shaked, "Jewish Sasanian Sigillography," in *Au carrefour des religions: Mélanges Philippe Gignoux*, ed. Ryka Gyselen, *Res Orientales VII* (Bures-sur-Yvette: Groupe pour l'Étude de la Civilisation du Moyen-Orient, 1995), 242; Moshe Beer, "Three Seals of Jews in Babylonia and their Date," *Tarbiz* 52 (1983): 434–544.

veiled allusion to this theme in a polemical passage in the Talmud (b.Sanhedrin 39a):

אמר ליה ההוא אמנשא לאממר מפלגך לעירא דהורמז מפלגך לתתאי דאהרמז אמר ליה אם כן היכי
 יתבך ליה אהרמז דהורמז לעירא זינא בארמיה

A magus said to Amemar: "From your waist upwards you belong to Ohrmazd, from your waist downwards you belong to *Ahreman."²⁶ (Amemar) said to him: "If so, why does *Ahreman let Ohrmazd make water pass through his land?"

The exchange, with Amemar's somewhat crude jibe, shows, as Jean de Menasce²⁷ already noted, that the girdle was viewed as marking a division in the body between a demonic lower part and a divine upper part. This perception of man as a microcosm must have already been current by the fifth century C.E.

This chapter presents the benefits and symbolic value of the sacred girdle in more detail than any other Zoroastrian text. Several layers of the ancient period of Zoroastrianism are associated with this practice, and several meanings are attached to it. Besides being an important requirement of Zoroastrian religious law, it is also a symbol of faith and devotion; it is a visible sign of man's servile attitude to God, and at the same time also of man's affinity with God and the universe, God's creation.²⁸

The importance of wearing the girdle, and the gravity of the sin of not observing it, are both seen in the vision of the Righteous Wirāz (chapter 25),²⁹ who reports on the punishment meted out to the offenders in the other world.

The author of *Dādestān ī dēnīg* is correct in observing that the requirement to gird oneself is not confined to Zoroastrians only. Talmudic Judaism gives evidence of Jews wearing a similar dress accessory, although it is far less well defined and hardly imposed as a religious duty. In the Temple period, a girdle, called *abhnet*, was one of the items worn by priests. References to girdles being worn among Jews occur also after this period. In one passage, Rav Huna bar Natan, an *amora* and possibly an exilarch,³⁰ recounts that he once stood in the presence of King Yazdgird.³¹ His *hamyānā* (the Aramaic term for a girdle, borrowed from Persian),³² was placed too high

²⁶ The textual tradition in the printed texts, where Ahreman is (twice) written 'hwrmyz, is evidently corrupt.

²⁷ See Jean Pierre de Menasce, "Early Evidence for the Symbolic Meaning of the *kustik*," in *Sir J. J. Zarthoshti Madressa Centenary Volume*, ed. Sir Jamsetjee Jejeebhoy Zarthoshti Madressa (Bombay: Parsi Punchayet, 1967), 17–18.

²⁸ Stausberg, vol. 1, 351, follows the history of the *kustīg* up to modern times.

²⁹ See Appendix D.

³⁰ See Herman, 323.

³¹ I.e., Yazdegerd I, 399–421 CE.

³² On *hamyānā*, see Paul de Lagarde, *Gesammelte Abhandlungen* (Leipzig: F. A. Brockhaus, 1866), 39–40; Bernhard Geiger, in Samuel Krauss, *Additamenta ad librum*

Whatever the origin of the occasional wearing of a girdle in Judaism of the Talmudic period, it became an element in the discourse between Jews and Iranians. It was also sometimes used to distinguish between Jews in Babylonia (who lived within the orbit of Iran) from Jews in other areas. A similar observation can be made, as we have seen, about the other Jewish custom discussed in this paper, that of avoiding talk at mealtime. Both practices are highly meaningful ritual requirements in Zoroastrianism, and both have no more than a social etiquette value in Judaism. Neither the one nor the other custom ever gained a status of legal requirement in Judaism.

Appendix

A. *Dādestān ī dēnīg*, Question 38⁴⁰

[1]The thirty-eighth question: what is the reason for and the purpose of tying a *kustīg*? For it is said that when they tie it (the *kustīg*) they are of such great worth, and when they do not tie it they are guilty of such a grave sin.

[2]The reply is this: the all-good, most spiritual of the spirits, most lordly of the lords, the creator of the good, has no need at all for lowly mankind for any thing or any matter, for all belongs to him. According to his will, the all-powerful Lord requires this of mankind: to live in true servitude by the proper limits, and not indeed as a connection from that servitude and from the mark of servitude (to Ohrmazd).⁴¹

[3]As it is seen (and) is manifest clearly in the whole of the law, religion and belief: reverence for the name and worship of the *yazad*⁴² is most essential, obligatory and necessary for all mankind. They consider rendering homage and worship of the *yazad* every day as the greatest of deeds.

[4]By considering by purposeful knowledge the material world and the essence, no material benefit is manifest from rendering homage, in the same way as fruit is manifest from trees, taste from foods, fragrance from fragrant herbs, lustre from colours, beauty from blossoms, healing from medicinal herbs and discernment from words;

[5]but it is particularly a sign of humility when one lowers one's head. Just as he brings the head, which is highest in the body and in the topmost place, to a low posi-

⁴⁰ Based on the edition and translation of Mahmoud Jaafari-Dehaghi, *Dādestān ī Dēnīg*, vol. 1: *Transcription, Translation and Commentary*, Studia Iranica, Cahier 20 (Paris: Association pour l'Avancement des Études Iraniques, 1998), with some modifications. An analysis of the contents of this chapter is Stausberg, "The Significance of the *kusti*," 17–20. The current version reflects work done on this text for the Middle Persian Dictionary Project.

⁴¹ *Bandagīh* and *bowandagīh* are interchangeable in the spelling of this text, but reading *bandagīh* seems preferable in the context.

⁴² The deity.

descendant of a priestly family. If this is true, the wearing of the *hamyānā* in the anecdote which we have quoted earlier should be understood as another priestly allusion. This is certainly the implication of the biblical quotation imputed to the king: "you will be for me a kingdom of priests and a holy nation" (Ex. 19:6). This, if accepted, would put the assumption of an exilarchic position attributed to Huna bar Natan under some strain, for the exilarchs were regarded as descendants of the lineage of David.

It should however be observed that a *hamyānā* is sometimes considered to be a regular part of many people's garments. This emerges from a passage which deals with blessings that should be recited on various occasions:

כִּי אָסַר הַמַּיִינָה לִימָא: בְּרוּךְ אֲזוּר יִשְׂרָאֵל בְּגִבּוּרָה³⁶

When someone ties his girdle, he should say: "Blessed be he who girds Israel with valiance."

This text, which comes in the context of several formulae to be recited in connection with different activities, may demonstrate that a girdle was considered to be part of the normal wardrobe of people, and may not have necessarily been used as a mark of office or status.

It is difficult to deduce from the Talmudic quotations whether there is a clear difference between *hamyānā* and *kamarā*. We come across a discussion of the question whether it is permissible to wear a *kamarā* on top of a *hamyānā*,³⁷ where the commentators assume that *kamarā* is more valuable and more ornate than *hamyānā*.

A somewhat uncertain difference seems to emerge between Babylonian Jewish practice and the Palestinian one: In Babylonia, people are in the habit of untying the girdle before the meal, while in Palestine this is not the case.³⁸ In Jewish society, wearing a girdle does not seem to carry ritual significance, apart from being an item of fashion and possibly indicating a social status, and (perhaps) as an allusion to a priestly descent. This somewhat confusing situation may have brought about the formulation in the *Qitsur Shulḥan Arukh*,³⁹ where it is said: One should make oneself ready for prayer by dressing properly, even when one prays alone at home. Wherever it is customary to wear a girdle, one should not pray without putting it on. This rule may be related not to the Sasanian code of dress, but to the dress customs of the Jews of Eastern Europe.

³⁶ B. Berakhot 60b.

³⁷ See B. Shabbat 59b.

³⁸ B. Shabbat 9b. This is Rashi's interpretation, although the attribution of the sayings is somewhat confusing: Rav, a Babylonian Amora, sees the beginning of the meal in the act of washing one's hands, while Hanina, a Palestinian Amora, regards the act of untying the girdle (*hagora*) as marking the beginning of a meal.

³⁹ Ganzfried, ed., *Qitsur shulḥan 'Arukh ha-shalem* (Jerusalem: Eshkol, 1954), p.lamed-bet, Siman yb, *sei'f alef*.

shine like a bright *kustīg*, and it surrounds it by the enclosure of all the luminaries, just as the enclosure of the omniscient wisdom surrounds the all-knowing *yazdān*.

[15] That great doubt-dispelling splendour of the holy religion was so beautiful and resplendent from afar, as is said in scripture: "the star-studded, spiritually formed girdle of the Good Religion of the Mazdā-worshippers."

[16] All the demons and *druz* were afraid of the great splendour of the religion, and it is said that by remembering, practicing and propagating this cord of the wise religion, all the *druz* shall be frustrated and renovation will be granted by the will of the (two states of) existences.

[17] And because of that fear, none of the demons and *druz* and the most gigantic demons will penetrate to the boundaries of the top third (of the sky), which, due to its purity, is immune to attack.

[18] In the scriptures, he orders the people, especially the pious, to tie that girdle in the religion. The place of a *kustīg* from the (point of view of the) material world, and by the religious (prescription), is in the middle third of the body, near the uppermost third.

[19] Likewise Jam, the shining one, son of Wiwangha, who was most fortunate in (his) worldly conduct by (managing) his worldly affairs, and who prevented trouble and death in all the regions, and who dispensed freedom from old age and immortality, when he was deluded by the *druz*, he coveted supreme lordship rather than servitude to Ohrmazd.

[20] And he (Jam) attributed to himself the creation of the creatures, and by that falsehood he became alienated from that wealth and glory, and (there came about) the (act of) tearing them apart by demons-and-men, and during that tearing-apart he was destroyed by Bēwarasp.

[21] And he asked forgiveness from the creator who is full of beneficence. And in atonement for having abandoned the service of the creator, he spoke and admonished those who came after him from the teaching of the *yazdān*, together with many righteous deeds through which the power of the trouble can be set apart, and he spoke authoritatively to the people (saying) that the path of moderation will be strengthened if the girdle is worn around the waist; they also say that the splendour-full ruler and lord of the world was, even by his possession of splendour, a sign for the good creations.

[22] One is this: just as it was commanded in the reason for the connection (of humans) to *yazdān*, before the coming of Zardusht son of Spitama, namely to wear the *kustīg*, so the prophet of *yazdān*, righteous Zardušt, spoke authoritatively concerning the order given by the good spirits in regard to the teaching of the religion, with the words of *yazdān*, the praiseworthy Avesta, and for the profession of the Good Religion this religious enclosure with the religious rituals is seen around the body above the garment relating to Wahman, just like this moat which surrounds wisdom, to which religion is the seed.

[23] That (thing) is announced in truth: people in general, by following the same custom, wear this righteous enclosure of the religion which shows ritual servitude to the creator, visible in the middle of the body. It is the greatest breaker of the power of distress (?), the one that most blocks (?) the path leading to sin, and the greatest diminisher of the will of the demons.

tion in the body, the lowest in thought, in worship and homage, and places it on the ground, (this is) an indication of the lowliest⁴³ servitude.

[6] At the same time, from eating (the fruit) of trees and other (similar) categories (of food), much *gētīg* benefit is manifest, and from performing reverence, the sign and indication are manifest, and afterwards indeed there is the great sign of humility and servitude.

[7] People generally hold it as more required to offer reverence to brightness, and by planting a tree in the name of the *yazad* and (by) eating (its fruit) while blessing it, (and) by performing other *gētīg* deeds which (entail) benefit to the material world – even from this one work of this world they put the whole faith into practice.

[8] In the practice (of religion) generally it is firmly manifest that in contemplation and worship there is a mark and a sign of great action, and through it there is great salvation.

[9] This belt which is called *kustīg*, which is tied about the middle of the body, is the cause of salvation in many (ways).

[10] Its foremost salvation is this: (It is) the messenger of *yazdān* from the deception-free religion, whose message is based on knowledge, with propitiation based on certainty, by wisdom, which in truth is religion. That *mēnōg* entity held a customary and faith-filled indication on the body. It spoke through it and also ordered to the people of the religion to profess (the faith), to practice servitude to the deities, and (to adopt) the religious words. Just as those who are of benefit to the religion of the deities and to the authorities (of the religion), thus also is this the cause of salvation by fulfilment of the command.

[11] One is this: just as it is firmly established that it is fitting that the smallest servant and the greatest lord should wear on their body a girdle which is the sign of servitude, and just as it is not proper, even for a short time, to hold on to a chieftainless situation and to depart from servitude, (so) it is also not fitting to walk about ungirdled, without a sign of servitude to the lord.

[12] One is this: It is commanded in the religion to keep one's thought, speech and action tied away from sin by a girdle. Just like a girdle (that is tied) in order to stop sinfulness from the purity of thought, the abode of which is the heart, (so) one should wear this girdle, the sign of servitude, in the middle of the body, in front of the heart. The sign and mark of stopping sinfulness is always a reminder to one's mind when one sees (it) present. That is (how it is) appropriate to stop the thought, speech and action from sin. It is indeed manifest by experience that much protection is held by this girdle. The purpose and reason (for the girdle) is (to provide) a great reminder of many sins against which it (affords) that protection in this way.

[13] One is this: the former religious sages transmitted these words to our predecessors and to us: When the adversary attacked the creation, most of the demons and witches rushed to the earth, to the atmosphere and up to (the space) below the star station;

[14] and they saw a multitude of luminaries and the splendour of the religion, which is the girdle, and fortification and enclosure of all the desires and good deeds which

⁴³ Literally "smallest."

similitude, and in a measured (form), it indeed seemed to all the creatures in a natural way so beautiful and enduring. And their heart, desire and knowledge are inclined thus towards it, as it is manifest that apart from those of the Good Religion who tie the *kustīg* with the Avestan formula, according to all the rules and beliefs, and except for those who have no girdle, (but) have religious beliefs, and excluding the faith of other places, all people have a belt or garment or a cord⁴⁶ for a *kustīg*. And keeping (a *kustīg*) seemed manifestly pretty, imposing and suitable for its function.

[32] But thanks is due to that person who ties the righteous (cord) with the rituals for the sake of his desire for truth, joy at goodness, mark of servitude to *yazdān*, and sign of obedience to the religion by the excellent (ones), and more (thanks is due to him) when he also recites the Avesta of the confession of faith.

B. *Dādestān ī dēnīg*, Question 39⁴⁷

[1] The thirty-ninth question: what can the good (= appropriate) and bad (= inappropriate) manner (of action) be in the (matter of) *kustīg* and shirt? (what is) the sin of going about open (i.e., without *kustīg* or *šabīg*)? and (what is) performing the *yašt* and not performing the *yašt*? And what is the reason for the silent communication (*māwāg*)?

[2] The reply is this: It is fitting (for the sacred shirt) to be completely white, clean, single, of one piece just as Wahman was the single first creation, after whom the garment is called in the religion "the most interior and the concealed one." The proper girdle is of two folds and is double layered, which is like the double layer of the wisdom of the religion which encloses the works of knowledge themselves, (which) consists by itself of two parts, which are called "innate" and "acquired" (wisdom). So a man, by girdling and by binding (his body, this) has been explained as a sign of the body stopped from sin.

[3] If one walks about "open"⁴⁸ or "naked"⁴⁹ or "with a garment of two layers,"⁵⁰ then the sin of "running about open" accrues to his account,

[4] but it is not proper to say the grace in *srōd gāhān* during a meal.

[5] The reason for *māwāg* is this, that men, (for) being worthy of eating, should worship the *yazdān* and praise the *yazdān*; and they also need to thank properly having eaten the meal; their praise-giving is put to them as an injunction in this way in accordance with the true custom.

[6] Before eating, when the mouth is not (yet) defiled by eating, one should recite the pure praise of the *yazdān*, which means being made worthy of that food;

[7] having eaten the meal, he should clean (his) mouth with a tooth-pick⁵¹ and water.

⁴⁶ Note *ham-band* in the sense of a "tie, cord."

⁴⁷ Based on the edition and translation of Jaafari-Dehaghi with some modifications. This version is again based on the text prepared for the Middle Persian Dictionary Project.

⁴⁸ I.e., without *kustīg*.

⁴⁹ I.e., without a sacred shirt.

⁵⁰ I.e., not single, as required.

⁵¹ See Ignaz Goldziher, "Islamisme et parsisme," in *Actes du I^{er} Congrès International d'Histoire des Religions réuni à Paris du 3 au 8 septembre 1900 à l'occasion de*

[24] One is this: it is well known that when someone comes who is ungirdled and has no sacred cord, it is ordained in the law that a most grievous and severe distress thus appears at that time,⁴⁴ which is also the testimony for that which is said in the exposition of the religion by way of question and answer, and the words are: "O Creator, through whom is the manifestation of the distress of secret behaviour, by whom does it propagate?" And Ohrmazd said: "In that (person) who demonstrates bad religion, who has given daevic birth to three seeds who do not tie the sacred cord, that is, he does not wear an undershirt or a *kustīg*, and whose law is also that it is not necessary to wear it."

[25] As the law of wearing no sacred cord is so severe, that when that law is accepted, it is observed that danger is strengthened and awakened by not wearing this girdle, after the command of Jam concerning (its) wearing, is the first sign of the killer (entity), that is of distress. To talk about it, and to lay it down as a law, in both cases the distress is revealed as very severe.

[26] What is most based on reason is (the following): Just as Jam, the shining one, the smiter of Sēj, advised and the leader of the good, Zardušt son of Spitama, proclaimed: "the *kustīg* is an indication of servitude to *yazdān* and a mark of the restraining of sin,⁴⁵ and an omen of breaking Sēj, it should girdle and enclose the middle of the body next to the heart with the religious incantations together with the glorious Avesta."

[27] Thus too, from the level place there is found the right path of a discerning person for it is just like a wise man who distinguishes between profit and loss and between good and evil; in the same way the place of the *kustīg* is (in the middle) between below and above.

[28] Below the *kustīg* there is the passage of lineage production and of bearing daevic offspring, also of the spoiling and the hidden agony of death. Above the *kustīg* is the way of the activity of the thought, speech, action, sight, and hearing of the soul.

[29] And tying the *kustīg* in the manner of the (other) followers of the religion is similar to a splendour among the (other) splendours of *yazdān*, for it (i.e., the sacred cord) is itself in the company of the being and heart, which is the place of thought and the dwelling of the vital spirit. In its upward direction are the eye, ear, tongue and brain, which are the abode of sight and hearing, speech, intelligence and memory. In its downward direction is the place of reproduction of the fathers.

[30] When a *kustīg*, which has several signs, tokens and omens, is tied, they do it with those splendour-filled entities which are surrounded by the manner of the wise ones, the order of the rulers and the decree of the messengers. Then the (demon) Sēj, whose movement is secretive, and who had great fear of Jam, and the druž of disobedience, who dislikes the activity of men, (namely) the servitude to Ohrmazd, and the infidel, become full of fear of the enclosed place (i.e. the place of the *kustīg*) and of the splendour of religion. He who shares the same mark as the *yazdān*, and wears a girdle, is without doubt as to his duty.

[31] For, since this girdle, which is called *kustīg*, is kept in the centre of the body, thanks to the *yazdān*, who bestow splendour to the splendour-possessing people, it is joined to that splendour which, as it was shown partially in a worldly (shape), in a

⁴⁴ Or: "in the world."

⁴⁵ Doubtful rendering.

C. *Ardā Wirāz Nāmag*, Chapter 23⁵²

[1] And I saw the soul of a man who was lifting his voice out of hunger and thirst, (saying): 'I am dying.'

[2] and he was plucking his hair and beard continuously and drinking blood and foaming at his mouth.

[3] And I asked: 'What sin did this person commit, that his soul is undergoing such punishment?'

[4] Srōš the pious and the god Ādur said: 'This is the soul of a wicked man who devoured water and plants, Hordād and Amurdād, while chattering, and ate (them) unlawfully and did not keep the *bāj* when in the world and sinfully failed to observe the celebration of the (*drōn*) *yašt*.

[5] Water, Hordād, and plants, Amurdād, got such abuse from that,

[6] (that) now this soul must undergo such a severe punishment.

D. *Ardā Wirāz Nāmag* Chapter 25⁵³

[1] And I saw the souls of several men and women whose feet and neck and middle parts were chewed by reptiles and separated from each other.

[2] And I asked: What sins did these persons commit whose souls are undergoing such punishment?

[3] Srōš the pious and the god Ādur said: These are the souls of those wicked ones who in the world walked with one shoe, and went about without having tied (the *kustīg*), and urinated while standing, and committed other acts of devil worship.

⁵² See Martin Haug and Edward W. West, *The Book of Arda Viraf: The Pahlavi Text Prepared by Destur Hoshangji Jamaspji Asa, Revised and Collated with further Mss. ... and with an Appendix Containing the Texts and Translations of Gosht-i Fryano and Hadokht Nask* (Bombay and London: Trübner & Co., 1872); Philippe Gignoux, *Le livre d'Ardā Virāz: Translittération, transcription et traduction du texte pehlevi*, Institut Français d'Iranologie de Téhéran, Bibliothèque Iranienne No. 30 – Éditions Recherche sur les Civilisations, Cahier No. 14 (Paris: ADPF, 1984); Fereyduh Vahman, *Ardā Wirāz Nāmag: The Iranian "Divina Commedia"*, Scandinavian Institute of Asian Studies, Monograph Series, No. 53 (London: Curzon Press, 1986), 124–27, 203; Boyce and Kotwal, 304. Text quoted from the edition prepared for the Middle Persian Dictionary Project.

⁵³ Haug and West, *Book of Arda Viraf*; Gignoux, *Livre d'Ardā Virāz*; Vahman, *Ardā Wirāz Nāmag*. The text is quoted here from the translation prepared for the Middle Persian Dictionary Project.

[8] After eating, before saying any word, he should praise *yazdān* with a washed and clean mouth.

[9] Between the praise-giving preceding the meal and the praise-giving following (the meal), one should not say other words.

[10] When, during a meal, a word is spoken with the mouth, that manner of praise which is the ritual speech (uttered) before and after the meal, will be removed from his limbs.

[11] Each limb of the body has one specific function; for the mouth two principal functions are joined over each other, these are: speaking and eating, thus, the two of them are against each other

[12] For speech communicates an internal reflection to a declaration towards the outside. By eating, external food reaches the inside for furthering the life of the vital spirit.

[13] As the ancient (believers) said: it is more reasonable to order one work (to be done by) two workmen than two works (to be done by) a single workman).

[14] While eating, one should rest from talking, and while talking, one should rest from eating. It is proper to keep those two actions separate from each other.

[15] When the mouth is engaged in eating until the mouth becomes clean of food, silence is enjoined (as to) rendering thanks to *yazdān* and saying praise to *yazdān*.

[16] The words of *māwāg*, which one utters through the nose, are called *māwāg*. It is a means of retaining knowledge.

[17] In order not to restrain the retention of knowledge – except when one speaks thus, namely, that in *māwāg* talk he does not open the mouth at all, (and) does not speak anything with the tongue – the praise uttered according to the religion before and after ritually eating is carried from its limits and bounds and is removed from its own limits and bounds.

l'Exposition Universelle (Paris: E. Leroux, 1901–02): 119–47 [= *Gesammelte Schriften* 4: 232–60]; Shaked, *From Zoroastrian Iran to Islam*, 149, n. 35; Kotwal, *The Supplementary Texts to the Šāyast nē-Šāyast*, Historisk-filosofiske Meddelelser, 44, 2 (Copenhagen: Det Kongelige Danske Videnskabernes Selskab, 1969), 135.

lead to greater numbers of students and, consequently, of positions, in the otherwise dwindling field of Middle Persian, in particular, and Old Iranian literature, in general.

My original presentation, because of time constraints, focused specifically on the use of certain particles in the scholarly literature. With the editors' permission, I have expanded this version with more substantial and complete quotations, which I hope will also reach the Jewish studies community and provide a better idea of what the Sasanian scholars were about.

The Dates and State of Preservation of the Texts

The Pahlavi translations of the *Videvdad* and *Hērbedestān*, as well as its companion text, the *Nirangestān*, like all Avestan-Pahlavi texts, were added to the Avestan manuscripts some time after 600 C.E. – the probable date the Avestan texts were committed to writing – and possibly as late as the ninth century, when the first actually datable Pahlavi texts were written down. This does not mean that they were newly composed at that time, only that parts of what must have been an immense oral tradition (the *dēn* of the Mazdayasnians) were then chosen by some redactor to set down in writing. Some of the opinions cited in the texts can, in fact, at least tentatively, be dated by the authorities cited in them.¹

All these texts are clearly texts that were much consulted, in both their oral and, later, written versions, and, like other texts that were frequently used, they were probably strongly influenced by their users, who, for all we know, may also have improvised and corrected the text they copied. In addition, by the end of the Sasanian empire (ab. 650), the texts were being transmitted in a language the transmitters no longer spoke. Finally, very few manuscripts survived the first Islamic centuries. Thus, the history of the texts explains why they are not always correct and frequently corrupted, especially the Avestan ones.² On the whole, the Pahlavi manuscripts seem quite reliable, even the single manuscript of the *Mādayān ī Hazār Dādestān*.

¹ See Elman's and Secunda's contributions in this volume.

² On the text of the Avestan *Videvdad*, see Prods Oktor Skjærvø, "The *Videvdad*: Its Ritual-Mythical Significance," in *The Age of the Parthians, The Idea of Iran*, vol. 2, eds. Vesta Sarkhosh Curtis and Sarah Stewart (London and New York: I. B. Tauris, 2006), 112–15. The suggestion that the text of the *Hērbedestān* as we have it represents lecture notes taken down by a student (Helmut Humbach and Josef Elfenbein, eds. and trans., *Ērbedestān: An Avesta-Pahlavi Text*, Münchener Studien zur Sprachwissenschaft, Neue Folge, Beiheft 15 [Munich: R. Kitzinger, 1990], 9) is quite anachronistic, since the written Zoroastrian literature is based on oral traditions. It can in no way be true for the Avestan-Pahlavi texts, no more than for the comparable Jewish literature.

On the Terminology and Style of the Pahlavi Scholastic Literature

PRODS OKTOR SKJÆRVØ

Over the last few years, I have had the privilege of reading some very difficult Pahlavi texts with Professor Yaakov Elman of New York Yeshiva University and his student Samuel (Shai) I. Secunda. We started in 2003 with the Sasanian lawbook, the *Mādayān ī Hazār Dādestān* (the book of a thousand judgments) and also worked on the encyclopedic *Dādestān ī dēnīg* (judgments from the tradition), both of them highly technical. We then went on to the *Šāyest nē šāyest*, a text of prescriptions for what is proper and not when dealing with pollution and purification, and from there to select chapters of the Pahlavi *Videvdad* dealing with pollution and to the *Hērbedestān*, which deals with a variety of issues connected with the education of Zoroastrian priests. While continuing weekly and semi-weekly work mainly on the Pahlavi *Videvdad* and *Hērbedestān* with Yaakov Elman, I have recently had the pleasure of working with Shai Secunda on a “new-found” text, the *Zand ī Fragard ī Jud-dēw-dād*, which Shai describes in his contribution to this volume, as well as the also largely unknown *Wizīrkerd ī dēnīg* with my student Daniel J. Sheffield.

What my Talmudist collaborators brought to the table was comparison with the “writings” of the Jewish scholars of early Sasanian Babylon, which at the time was the capital of the Iranian empire and, presumably, a Zoroastrian, as well as rabbinic, center of learning. The insight I gained made me start looking at the texts from a new angle, as technical texts, rather than as just any old prose texts. In this way, I was finally introduced to a part of the Pahlavi corpus that I had rather despaired of ever coming to terms with, for the simple reason that I did not understand what the texts were about. I now entered a world till then completely unknown to me, in which all this incomprehensible discussion suddenly made sense.

I do not think it is an exaggeration to say that our collaboration was a momentous event in Middle Persian/Pahlavi studies. On the one hand, the insight my collaborators have provided into the form and contents of these texts by drawing on comparable literature on the Jewish side has contributed immeasurably toward our understanding of how to read the texts. On the other hand, their publications and Professor Elman’s ardent propaganda in Jewish studies circles have kindled an interest in Pahlavi that might well

and more texts online,³ we shall at last have the words *with* their contexts, which will facilitate our work enormously.

Thus, the lack of up-to-date dictionaries with words in context and text references is a serious problem facing non-Iranists if they want to take up this field of study. Editions, old and recent, can be just as misleading, however. It is not enough, or indeed good methodology, to simply pick and choose from existing editions the translations one likes the best. In my work with Professor Elman, not rarely, translations that he found the most interesting were translations based on unacceptable readings or emendations of the Pahlavi text.

To give you an idea of the kind of problems we commonly face, let us look at the very beginning of the *Hērbedestān*. The text we are dealing with is an Avestan text concerned with who should “do *hērbedestān*,” that is, pursue priestly studies:

1.1. *Hērbedestān* 1.1

**kō nmānahe aθaurunəm pāraiīāt*

Who of the house shall go away to (pursue) priestly studies?

which is rendered in Pahlavi as follows:

kē ō m''n' pad āsrō 'īh bē rawād

‘Who shall go off TO the *m''n'* for priesthood?’⁴

and then explained (introduced by the common *kū* “i.e.,”) as follows:

kū az m''n' ī wehān ō hērbedestān kerdan kē šawād.

I.e., Who shall go FROM the *m''n'* of the good (Zoroastrians) to pursue priestly studies?

The first problem is how to read the word spelled 𐭌𐭕𐭕𐭕 <*m''n'*>. Most often it spells *mayān* “middle,” which is what Humbach opted for, but taking it to mean a religious “center” of learning, a meaning I doubt it can have. Kotwal and Kreyenbroek emended the word to 𐭌𐭕𐭕𐭕 <*myhn*> *mēhan*, “home, abode,” but without giving their reasons. As we shall see, this emendation is recommended by various factors.

The second problem is how to understand the prepositions. At first glance, the preposition “to” seems out of place, and Kotwal and Kreyenbroek, who read *mēhan* “home,” therefore emended to “from,” while Hum-

³ See <http://titus.uni-frankfurt.de>, <http://www.avesta-archive.com/>, <http://micro5.mscc.hu-jl.ac.il/~msshau/mpi/index.php>.

⁴ Single quotes ‘...’ demarcate the part of the Pahlavi that contains the direct translation of the Avestan.

Table 1

Approximate Time Line

1000-500 B.C.E.	Oral composition of the texts that were included in the Avestan <i>Videvdad</i> and <i>Hērbedestān</i>
ca. 600-500 B.C.E.	Crystallization in final form of the Avestan texts, which were then transmitted orally together with their translations and commentaries in the spoken languages
2nd-3rd cents. C.E.	Formation of the Pahlavi translations and commentaries = the <i>zand</i>
4th-5th cents. C.E.	The earliest known commentators, Sōšāns, etc.
ca. 600 C.E.	Writing down of the Avestan <i>Avesta</i> , henceforth transmitted in manuscripts, besides the (weakening) oral tradition
9th cent. C.E. [?]	Writing down of the Pahlavi translations and commentaries (the <i>zand</i>), which was then inserted into the manuscripts of the <i>Avesta</i> (or vice versa); summary of the <i>Avesta</i> in the <i>Dēnkard</i>
ca. 1000 C.E.	Manuscript tradition hangs in a thread: only one manuscript left of each of the surviving Avestan texts
13th cent. C.E.	Oldest surviving manuscripts

1. Technical and Methodological Problems

Typical of all these texts is that they are technical texts, written in a technical style. They should therefore not be read as regular prose texts, which is, in fact, the main problem with several old and modern translations. Here, I shall present examples of special features of this style, taken mainly from the texts I have already mentioned. My results are preliminary, at best, since I have not yet accumulated a large database, and they are therefore to some extent impressionistic. Once the particularities of the style have been recognized, however, further study will no doubt clarify these stylistic features and define them with greater precision.

The technical stylistic features of the texts are semantic and grammatical, morphological and syntactic. Here, I shall focus on the meaning and function of some common particles, while commenting on various lexical items. It is important to identify these elements, and to do that we need to examine them closely. It is not enough simply to take the common translations for granted, since they usually just repeat decades of failure to grasp the particles' technical functions. One major problem is that MacKenzie's dictionary, which is the one most widely used today, does not give references to texts or literature, but, since MacKenzie's translations of the more problematic words are often based on speculations by many scholars, this is not a very reliable method. With the new Pahlavi dictionaries in progress and more

mean. It is also, not uncommonly, said to be interchangeable with the particle *ay*, which is also thought to mean “that is.”

The term “that is” is quite imprecise, however, much too imprecise to be used in what is obviously very precise technical language. Here we shall see that, in some texts, the two are, in fact, similar, but in others they are used quite differently, with different functions, which can be fairly closely defined.

Grammatically, *hād* (if that is, indeed, how the particle is to be read) is the 3rd singular subjunctive of “to be” and must originally have meant something like “so be it, be that as it may.” This, we may note, is the approximate meaning of the French interjection *soit!* which is also the 3rd singular subjunctive of “to be.”

The spelling of the particle is remarkable, however. The regular verbal form is spelled <HWE-’t> in standard Pahlavi, with the arameogram <HWE> “to be” and the phonetic complement <-’t> signifying the ending -*ād* of the 3rd singular subjunctive.

The particle, however, is spelled <HWE-t>, with the phonetic complement written defectively, without the vowel, which is an archaic way of spelling the verbal form, unattested, but perhaps datable to the fourth-sixth centuries.⁶ That would imply that the use of the particle may also be quite old.

The particle *hād* is used differently in different texts. In the Pahlavi *Yasna* and in the *Dēnkard*, for instance, *hād* is primarily used to introduce citations from the *Avesta* in Pahlavi:

2.1. *Yasna* 9.2

āaṭ mē aēm paitiiaoxta haomō ašauua dūraošō

Then this one spoke back to me, Orderly⁷ *haoma*, the *dūraoša*.

⁶ In the third-century inscriptions, only <HWE> is found as subjunctive, and the inscription of Mihr-Narseh from the early fifth century still has indicative and subjunctive arameograms without endings, while the *Pahlavi Psalter*, perhaps representing scribal conventions of the fifth and sixth centuries, has 3rd singular subjunctive forms in <-’t>; see Skjærvø, “Verbal Ideograms and the Imperfect in Middle Persian and Parthian,” in *Études irano-aryennes offertes à Gilbert Lazard*, *Studia Iranica – Cahier 7*, eds. Charles-Henri de Fouché-cour and Philippe Gignoux (Paris: L’Association pour l’Avancement des Études Iraniques, 1989; distributed by E. Peeters), 342–45.

⁷ The term *ašauuan* is derived from *aša*, which denotes the cosmic order established by Ahura Mazda. The adjective refers to those who are part of this order, conform to it, and sustain it. The corresponding Pahlavi term *ahlaw*, at least in some contexts and at a late stage, probably meant to them approximately what “righteous” does to us.

bach made sense of the phrase by assuming it referred to going *to* a center of learning.

To the non-initiated, these might seem like alternative interpretations, of which one can simply choose one or the other. After all, Humbach is a well-established scholar, and Kotwal is a high priest of Zoroastrianism, so both should know what they are talking about.

Further investigation, however, reveals an interesting fact. In the Pahlavi translation of *Yasna* 10.7, *mēhan* is glossed as the usual *xānag* “house:”

1.2. *Yasna* 10.7

ahe vīse uta maēthanam

In this one's house and dwelling.⁵

Pahlavi:

andar ān ī ōy wis dastgerd ud ēdōn mēhan xānag

‘In his wis’, (i.e.) landed property, ‘and thus (also) (his) *mēhan*’, (i.e.) house.

In addition, in the Pahlavi translation of *Yasna* 31.12, we find the following:

1.3. Pahlavi *Yasna* 31.12

kē pad bowandag-menišnīh pad ān ī mēnōy hampursēd pad dēn ī mēnōy ā-š ānōh mēhan

‘he who with perfect thought consults with that in the other world’, (i.e.) with the *dēn* in the other world, then ‘*there* is his *mēhan*’ [home]

with the comment:

kē hērbdestān bowandag-menišnīhā kunēd ā-š gāh ānōh bawēd

(i.e.) he who pursues priestly studies with perfect thought, his place is there [where the training takes place].

Thus, we see here a tradition that the *hērbdestān* is equated with one's *mēhan* “home,” which means that by going *from* one *mēhan*, one in fact goes *to* another *mēhan*.

2. The Particle *hād*

The first particle I shall discuss is *hād*, traditionally rendered as “that is” or similar. In older publications, we also find “behold, lo,” whatever that may

⁵ The phrase is ungrammatical and should perhaps be emended to either *ahe vīse uta maēthane* “in this one's house and dwelling” or *ahe vīsəm uta maēthanəm* “upon his house and dwelling.” The two nouns are not found together elsewhere in the *Avesta*.

hād ka ō hērbdestān kerdan šawēd

There is one who says:

hād, when/if he goes to pursue priestly studies.

Assuming that this statement refers to the initial Avestan-Pahlavi statement, and so replaces the one about "if it pleases him," rather than adding to it, we may understand it as "Yes, the first should go, but only when he goes to study."

The following is a simple example from outside the scholastic literature, from the commentary on the name and epithet of the day of *Mānsr-spand*:

2.3. *Yasna* 3.15 = *Sī-rōzag* 1.29

maqθrahe spəntahe ašaonō varəziiaŋvhahe

The Orderly life-giving divine poetic thought, whose *being (*aŋvha*) is in invigoration.¹⁰

Pahlavi:

mānsr-spand ī ahlaw kāmāg-ox

kū-š kāmāg pad menišn abāg ān ī ox rāst

'the righteous holy word, *kāmāg-ox*'¹¹

i.e., the wish in his thought is equal with that of the *ox*.

ast kē ēdōn gōwēd

hād ān-iz ī kasān ēdōn bē kunēd

There is one who says as follows:

hād (= yes, but) the (desire) of men does the same thing.

The next example is from the *Hērbdestān* in a lengthy discussion about which of two brothers should go and study to become a priest. The statement answers the question in *Hērbdestān* 1.1: "Who of the house shall go away to (pursue) priestly studies?" Here, the Avestan rule and its Pahlavi version are followed by a tradition cited by the redactor of the text, which defines and restricts this rule. The redactor then qualifies this tradition by means of *hād*:

¹⁰ This elaborate rendering of the Avestan terminology is necessary to give some feeling for the original meaning of the words. Frequently, however, the exact meaning escapes us. Uncertain translations are marked with an asterisk (*).

¹¹ Pahlavi *ox* is a later form of Avestan *aŋvha*, the exact meaning of which is unclear. The hierarchies of *ox* and *menišn* are explained in the Pahlavi *Dēnkard* book six: *ox* contains *menišn* "thought" contains *gōwišn* "speech" contains *kunišn* "action"; *ox* contains *wārom* "recollection" contains *kāmāg* "wish" contains *menišn* contains *gōwišn* contains *kunišn*. Here, however, we have a popular etymological identification of this *ox* with another *ox*, Avestan *ahū*, which occurs in the *Ahunwar*, the most sacred utterance in Zoroastrian mythology and ritual, and, in fact, gave it its name. It begins *yaθā ahū vairiīō*, which is rendered in Pahlavi as *ēiyōn ox kāmāg* "as is the wish of the Ox," glossed as *ēiyōn ohr-mazd kāmāg* "as is Ohrmazd's wish."

Pahlavi:

ō man ōy passox guft hōm ī ahlaw ī dūrōš

‘Me he answered, the Orderly Hōm, the *dūrōš*.’

The Avestan epithet, left untranslated, is then explained, followed by a second explanation, ascribed to the commentator Rōšn, both introduced by *hād*:

hād dūrōših-iš ēd kū ōš az ruwān ī mardōmān dūr dārēd

hād. (Hōm) is said to be ‘*dūrōš*’ for this reason: (Hōm) keeps death (*ōš*) far away (*dūr*) from people’s souls.

rōšn guft hād ahōših pad hōm bawēd

Rōšn said: *hād*. Being ‘deathless’ comes about through Hōm.

Here, the first *hād* gives the traditional (the redactor’s) interpretation of the term *dūrōš*,⁸ the second *hād* expresses the commentator Rōšn’s agreement with the standard interpretation and adds a comment. It is this second usage that I have focused on here in this presentation, that is, the use of the particle *hād* after the verb “says, said,” introducing the statement of authorities other than the writer, who may or may not be named.

The following is a case where the writer cites an anonymous opinion by means of the particle *hād*, after which the redactor qualifies and restricts this rule according to a rule stated earlier and, finally, introduces a second, unnamed, authority, also related to an earlier statement, using the standard formula “There is one who says”:

2.2. *Hērbedestān* 2.2

para paoiriio āiti

The first one goes away.

Pahlavi:

(bē) fradom ē rawēd

‘Let the first one go!’

*čiyōn ō pēš gōwam ka bē dōšt*⁹

As I said before: If it pleases (him).

ast kē ēdlōn gōwēd

⁸ Note the use of the derived noun in *-ih* to “quote” a word: *dūrōših-iš ēd kū*, literally, “Its being called *dūrōš* is this that ...” The etymology and meaning of Haoma’s epithet *dūraōša* are not known. In the Sasanian tradition it is understood as *dūr-ōš* “keeping death away,” as if from *dūr* “far” and *ōš* “death.” The Old Indic (Vedic) form *duroṣa* (with *dur-*, not *dūr-*) shows that this is not the correct etymology, however.

⁹ 3rd singular of *dōšt*- “to please.” The Pahlavi commentaries contain numerous examples of these forms in *-t* and *-d*, rather than the more usual *-ēd*.

kū xwāstag sālār-ēw kunād

i.e., he shall make somebody the guardian of the property.

hād ēdar paydāg kū xwāstag sālārīh weh kū hērbdestān kerdan

hād, here (= in this case) it is clear that guarding the property is better than 'doing *hērbdestān*'.

In the last two examples, we see clearly – I think – that *hād* implies agreement with the preceding statement, but also introduces an additional statement, which restricts the original one. This is what I think is one basic function of the particle, and the implicit meaning would be something like:

“Yes, that is true, but this is what obtains when (only) one person can go.”

or:

“Yes, and (also)/Yes, but (only) ...”

These interpretations seem to apply well to other similar texts as well, as in the following from a discussion regarding failure to study and learn:

2.6. *Hērbdestān* 16.1–3

*yō asruṭ.gaošō vā afruuuuočō vā nōiṭ *ōim.cina vācim aiβiiāiš*

He whose ear does not hear or who cannot speak (and so) has not learned even a single word –

Pahlavi:

*ka *asrawāg-gōšīh rāy ud *karrīh rāy ayāb afrāz-guflārīh rāy gungīh nē ēk-iz-ī gōwišn abar an-ōšmurīdār kū-š ašem-ēw nē guft*

When, because his ears do not hear and because of deafness or because of not saying forth, dumbness, he does not memorize even one utterance,” i.e., he has not spoken one *Ašem* (*vohu*)¹⁴ –

ast kē zand gōwēd.

there is one who says (not learned/not spoken?) the *zand* –

Avestan:

*nōiṭ *pascaēta anaiuuīšti āstriēite*

he will not afterward become guilty of failure to learn.

Pahlavi:

nē pas pad an-abar-ōšmurišnīh āsterēd kū ka hērbdestān nē kerd wināhgār nē bawēd.

¹⁴ One of the four sacred prayers: “Order is the best good (reward/possession) there is. There are wished-for things in the wish for this one when his Order is for the best Order.”

2.4. *Hērbedestān* 1.2–3

yō ašāi barajiqstāmō

He who is most *devoted to Order.

Pahlavi:

*kē ahlāyih-ārzōgtom kū ruwān-*dōstom*¹²

'He who the most desires Order,' i.e., he who loves (his) soul the most.

*huuōištō vā yōištō <vā>*¹³

the oldest or the youngest

Pahlavi:

*meh ayāb *keh*

'The greater/older or the smaller/younger.'

ka meh ruwān-dōstar meh ē šawēd

When the greater loves (his) soul more, let the greater go!

hād ēn ān ī bawēd kā ēk-ēw kas tuwān šudan

ka harw dō tuwān šudan nē pādixšā hēnd bē ka šawēnd

hād, this is what obtains when (only) one person can go.

When both can go, then they are not permitted not to go (= they *must* go).

My next example is also from the *Hērbedestān*, in a discussion of the respective merits of doing priestly studies and looking after the flocks, where the gloss is again followed by an addition by the redactor:

2.5. *Hērbedestān* 3.2

gaēðanqm aspārānō auuōiŋ

'He should help with keeping the flocks *out of harm*¹.

Pahlavi:

gēhānīgān uspurīgānīh ayārēnēd

'He assists with keeping the members of the flocks in full number.'

¹² The manuscript HJ reads *ruwān dōst* MN (for HJ, see Darab Dastur Peshotan Sanjana, *Nirangistan: A Photozincographed Facsimile of a Ms. Belonging to Shams-ul-Ulama Dastur Dr. Hoshangjee Jamaspjee of Poona*, The Pahlavi Text Series, No. 1 [Bombay: Trustees of the Parsee Punchayet, 1894]); and the manuscript TD reads *ruwān dōst* / MNW (for TD, see Firoze M. Kotwal and James W. Boyd, eds., *Ērbadistān ud Nirangistān: Facsimile Edition of the Manuscript TD*, Harvard Iranian Series 3, ser. ed. Richard Nelson Frye [Cambridge, Mass.: Harvard University Press, 1980]).

¹³ <...> means a word or part of a word is missing in the manuscripts.

2.8. *Šāyest nē šāyest* 14.11–15.2

kešīdan abar āb pādixšāy

Pulling it onto the water is permitted.

stadan ud nihadan nē pādixšāy

Taking it (up) and placing it (on the water) is not permitted.

ud ka ēdōn tuwān kerdan kū az āb-ēw ī āb meh ō āb-ēw ī keh barēd ka āb ēw-kerdag pādixšāy ud ka jud-kerdag nē pādixšāy

And when it is possible to do it in such a manner that he carries from a large water to a small water – when the waters are connected, he is authorized, and when they are disconnected, he is not authorized.

abarg guft

hād pad āb frōd kešīdan pādixšāy ud abar kešīdan nē pādixšāy

Abarg said:

Yes, (and also): He is authorized to pull it below through the water, and he is not authorized to pull it above.

ēē ēn ān ī āb bīm estēd ān bīm ī abar nē mad estēd

For the latter is the fear of the water (which sees the corpse approaching), and the former (case) is fear that has not yet surfaced.

mēdōmāh guft

hād ul kešīdan pādixšāy frōd kešīdan nē pādixšāy

Mēdōmāh said:

Yes, and also: He is authorized to pull it up, (while) he is not authorized to pull it down.

*ēē ān āb *frōd bīm bē šud estēd u-š nūn bīm abar nē barišn*

For the ‘*down’-fear of the water has gone away, and one should not now (again) bring fear upon it.

ud ān ī azēr kē ān bīm nē mad estēd abdom ān bīm abar bē rašēd

And the ‘below’-(fear), a fear that has not yet arrived, in the end, that fear will come up.

An example of a named authority is found in the discussion in the Pahlavi *Hērbedestān* chapter 1, following the passages I have already quoted. The redactor first states that, when they both love their souls, the one better equipped should go:

2.9. *Pahlavi Hērbedestān* 1.3.2

*ka *ruwān-dōstīh paydāg ōy ī abzārōmandtar šuwišn*

*ka aruwān kas hērbedestān *bē nē kunišn*

When love for the soul is evident (in both), the one better equipped shall go.

When a person has no (love of his) soul, he should not go to do priestly studies.

'he will not afterward become guilty of not have memorized,' i.e., (even) when he has not gone to pursue priestly studies, he does not become guilty.

Avestan:

*vezi āaŋ ōñum *ape vāc m aīññāis
anaīññiti āstriññite*

But if *afterward he has learned even one word,
he will become guilty of failure to learn.

Pahlavi:

agar ān ī ēk-ēw paymān-gōwīšn abar ōšmurīdār kū-š ašem-ēw tuwān guftan

'If he he memorizes that one *sample utterance', i.e., he is able to say one *Ašem* (*vohu*),

*ān ī pad an-abar-ōšmurišnīh 2 āsterēd kū ka hērbedestān nē kerd wināhgār ōh
bawēd*

'he will be guilty of' two instances of 'non-memorizing,' i.e., (as if) when he has not been pursuing priestly studies, he becomes guilty in the usual way.

This is contrasted in the extended discussion that follows these statements with more specific terminology.

hād ka-š yašt pad wināhgārīh nē kerd estēd

Yes, and also when he has not performed a *yasna* in a state of guilt (or: in a manner to produce guilt).

Here is an example from the *Šāyest nē šāyest* regarding how to dispose of dead bodies:

2.7. *Šāyest nē šāyest* 2.10–11

ka āb ēw nēzag-bālāy andar estēd pas-īz hē nihēd bē awarēd

If (it) stands in water the height of a lance even after he puts it (there), he should come out.

mēdomāh guft kū hād warr-ēw azabar ān gyāg hē ēw bandēd

Mēdomāh said: Yes, (and) he should bind a *woolen blanket* above that place.

*azēr hušk bē ēw kunēd ud nasā azabar ī ān warr bē ēw nihēd ud warr stānēd bē
awarēd*

Below he should make it dry, and he should place (the) corpse below that of the *woolen blanket* and take off (the) *woolen blanket* (and) come hither.

And the following, in which the discussion is about how to deal with a corpse in water:

ast kē ēdōn gōwēd
ay asp ī nēk bē dahēd

There is one who says as follows:

av (= the meaning is): It gives (us) good horses.

3.2. *Yasna* 8.9

(1) *haomahe ašuuazayhō*

(2) *xšnaoθra*

‘by seeking the favor of Haoma,
 who invigorates Order’

Pahlavi 1:

hōm ī ahlaw-zahag

‘Hōm with righteous offspring’

hād zahagīh ī xwēš ahlaw

That is, its own offspring is righteous.

ast kē ēdōn gōwēd
ay ān-iz ī kasān ahlaw bē kunēd

There is one who says as follows:

It means that it makes that of other people righteous, too.

Pahlavi 2:

šnāyēnam

‘I seek (his) favor.’

And here is an example of two different commentaries on the same word:

3.3. *Yasna* 9.18

haēnaiāsca pərəθuuainikaiiā

‘and the enemy army with wide front’

Pahlavi:

hēn-iz ī frāx-anīg

‘and the enemy army with wide front’

kū-šān marag was

i.e., their number is large.

ast kē ēdōn gōwēd
hād pēšānīg frāx

There is one who says:

Yes, (but, also, their) forehead is wide.

*a-ruwān kas paymānag *ēd kū ka hērbdestān kerdan rāy weh nē bawēd ā pad a-ruwān dārišn.*

The measure of a person who has no (love of his) soul is this that, if he is not better (prepared, or sim.) for pursuing priestly studies, then he should be considered a person who has no (love of his) soul.

He then introduces a second authority:

*gōgušnasp guft hād mard ka hērbdestān wattar bē bawēd tā hamē *ōy ī abzārōmandtar šawišn ēē ēdōn nirmattar.*

Gōgušnasp said: *hād*, unless¹⁵ a man is worse off (?) [or worse equipped for?] for pursuing priestly studies. [or: if pursuing priestly studies is worse for him]

(It is) always (so that) the one better equipped shall go, for thus there is more profit (it is more useful).

Here the meanings must be: “Yes, that is so, unless a man is worse off (?) [or worse equipped for?] for pursuing priestly studies.”

3. The Particle *ay* “that is”

In the Pahlavi *Avesta* and other Pahlavi texts, the particle *ay* simply explains something, for instance the meaning of a rare word or a phrase with incomprehensible syntax, as in the Pahlavi rendering of Avestan phrase in the following two examples. Here we first have the literal Pahlavi translation of an Avestan phrase involving a noun with one or more epithets, then a gloss variously introduced explaining one of the epithets, and, finally, a dissident opinion about its actual meaning, introduced by *ay*:

3.1. *Yasna* 0.9

huuarəxšaētahe aməšahe raēuuəhe aurunaŋ.aspahe

The immortal and wealthy sun with fleet horses,

Pahlavi:

xwaršēd ī amarg ī rāyōmand ī arwand-asp

‘The immortal and wealthy sun with fleet horses’,

kū-š asp nēk

i.e., it has good horses.”

¹⁵ On this function of *ka* ... *tā*, see Skjærvø, “OI’s News: ODs and Ends,” in *Exegisti monumenta: Studies in Honour of Nicholas Sims-Williams*, eds. Werner Sundermann, Almut Hintze, and François de Blois, Iranica 17, ser. ed. Maria Macuch (Wiesbaden: Harrassowitz Verlag, 2009), 479–96.

As the seventh most outstanding (country), he established Kāwar ‘of bad shade’, which is Kāwarestān.

The meaning/reason is that the shade of the trees is bad for the body there.

In the texts we are looking at here, however, this is a common usage of this particle, which differs from that of *hād*.

The following examples contain sets of opinions regarding the actual meaning or implication of statements about a menstruating woman:

3.7. Pahlavi Videvdad 16.2

tā andar ō kār kunēd pad harw kār-ēw šāyēd

As long as she uses (it) for work it can be used for every work.

ka-š andar ō kār kunēd andarrōn bēron hixr ī pad āb pādixšāy wirāstan

If she uses it for work, she is authorized to *deal with the impurity inside and outside with water.

ka kand.xwēd pāk

When she has taken it off, the wet part is clean.

ka nē pad ēd kār kerd estēd ka-š azēr was andar āhīd ā-iz hamē ka bē āyēd pāk

If it has not been used for this purpose, if there is much pollution under it, then, too, for as long as it comes out, it is clean.

sōšāns guft ay ka sē daštān māh pad mehmānīh andar āhīd tahīg rēman

Sōšāns said: The meaning is that if there is intimate pollution in it for three menstruation cycles, the airspace (above/below it) is impure.

u-šān wastarg-iz juttar nē guft

And they have also not said that it is different in the case of clothing.

ka hōšt pand-ēw pad ēd kār kerd estēd ān-and gyāg tahīg rēman

If it dries, a path is made for this purpose for as much area as the airspace is impure.

3.8. Pahlavi Videvdad 16.4

ay pad wēnišn ēn-and čiš rēman kund barsom ud ēbyānghan

The reason is that by looking at them she makes these things impure: the *barsom* and the sacred girdle.

ud zōhrag jīw-iz pad ēd šōn

Milk for libations is also (made impure) in this manner.

ud sōšāns guft ay pādāyb-iz ōh kund

And Sōšāns said: The reason/implication is that she also makes things that have been ritually cleaned the same (i.e., impure).

nēw-šābuhr guft ay wars ud h’/ymwck bē az sē gām rēman nē kund

3.4. *Yašt* 1.11

haēnatiāśca pərəθuuanikaiiā

and the enemy army with wide front

Pahlavi:

hēn-iz ī frāx-anīg

‘and the enemy army with wide front’

dušmen būm-išān frāx

(i.e.), the enemy, its land is wide.

ast kē ēdōn gōwēd

ay frāx-anīg kū-šān pēšānīg frāx

There is one who says:

It means *frāx-anīg*, i.e., that their forehead is wide.

In other contexts, the particle can also add a rationale, as in the following examples (omitting the Avestan):

3.5. *Pahlavi Yasna* 1.6

ud ān-iz ī sālān humānišnīh

‘And Good dwelling throughout the years’

ka andar sāl pad frārōnīh weh šāyēd māndan ay pad rāh ī ōy

If it is possible to keep living a good and honest life during the year, *then* it is through (this deity) [it is this deity that makes it possible].

3.6. *Pahlavi Videvdad* 1.9

*haftom az gyāgān ud rōstāgān ā-m pahlom frāz brēhēnīd man kē ohrmazd ham kāwar ī duš-sāyag*¹⁶

‘As the seventh among places and districts I, Ohrmazd, fashioned forth, as the most outstanding, Kāwar of bad shade’,

u-š duš-sāyagīh ēd kū sāyag ī draxtān pad tan wad

And it is called ‘of bad shade’ because the shade of the trees is bad for the body.

ast kē ān ī kōfān gōwēd

There is one who says: That of the mountains.

A later version of the same:

Bundahišn 31.17

haftom kāwar ī duš-sāyag pahlom dād ī ast kāwarestān

ay sāyag ī draxtān ānōh pad tan wad

¹⁶ The Avestan original has *dužakō.saiianəm*, which probably means “where hedgehogs dwell.”

4.1. *Šāyest nē šāyest* 3.19

čihrag ka gōn bē wašt ān ī pēš ān-iz ī pas az daštān bē āyēd rēmanīh ēdōn bawēd čiyōn daštān

(Regarding) *čihrag*: When the color has changed, that which (came) before and also that which comes after menstruation is impure. It is *just like* (regular) menstruation.

In the glosses in the Pahlavi *Avesta*, the particle *ōh* appears to refer to the manner of an event or action mentioned in the Pahlavi translation, in the sense of “in this or that manner”:

4.2. *Pahlavi Yasna* 9.1

u-š az ōy pursīd zardušt kū kē mard hē

‘and he, Zarathustra, asked him (Hōm): What man are you?’

hād nē pad yašt ī fradom būd az pēš paydāg u-š dānist kū hōm ōh rasēd ...

I.e., it is clear from before that it was not the first time he performed a *yasna*, so he knew that Hōm would come in that way (= the same way as before).

*ast kē ēdōn gōwēd
hād ohrmazd guft estād kū harw dō ōh rasēnd
ka hōm mad būd ā-š madan šnāsēd*

There is one who says as follows:

Yes, (and) Ohrmazd had said that they both (Hōm and Zarathustra?) come in that (same) way:

When (= once) the Hōm had come, he would know he would come (this time too?).

While reading these technical texts, however, I noticed that the translation as “thus, in that manner,” often made no sense, as its reference was unclear or altogether missing! I then noticed that it was often contrasted with *specific* requirements, and I began suspecting that it referred to the non-specific, or “unmarked” case, as it were, meaning “in the regular manner,” which did not need specific elaboration. There did remain a few instances where the regular manner itself remained obscure, but nowhere did this interpretation seem to be contradicted by the contexts.

A simple and clear example is the following from *Šāyest nē šāyest* in a passage about what happens when a person dies:

4.3. *Šāyest nē šāyest* 2.1

andar ān zamān ka gyān bē šawēd ka-š sag-ēw andar pāy bast estēd pas-iz nasuš abar ōh dwārēd

At the time when the life-soul goes away, if a dog is tied to his leg and then the Nasuš rushes upon him in the usual way,

ud pas ka-š dīd ā-š nasuš ōh zanēd

then, when it has seen (the dog), then it smites the Nasuš in the usual way.

Nēw-sāpūr said: The reason/implication is that she does not render hair and limbs(?) impure outside of three steps.

ud parwāsag-iz pad ēd šōn

Also ritual bags are in this manner

Note that it is often difficult to determine where the other authority ends and the redactor comes back.

In the following text, we have *ay* followed by *hād* in a discussion of what somebody who teaches infidels and criminals needs in order to subsist:

3.9. Pahlavi Hērbedestān 19.7¹⁷

ka bē stad tā xwardan nē pādixšā

Unless he has taken it, he is not authorized to eat it.

ka andar grift pad anīz tis tuwān xwāstan nē pādixšā bē ka bē hišt

When it is taken hold of, he can seek (a living) by other means, but then he is not authorized not to let (the student) go.

ast kē ēdōn gōwēd ay hād pādixšā ka nē hišt

There is one who says as follows: the meaning/implication is this:

Yes, (and/but) he is authorized not to let (the student) go.

4. The Particle *ōh*

The third particle I shall discuss is the particle *ōh*, which is etymologically from Avestan *auuaθa* “in that manner.” It is usually spelled with the arameogram <KN>, occasionally phonetically as <’w’>, but is sometimes confused with the preposition *ō* “to” spelled <’w’>, OL>.

This *ōh* is usually rendered as “thus” or “in that way,” but it is used almost exclusively (or exclusively?) before verbs. It therefore differs from other adverbs expressing manner, the simple *ōwōn* “in that manner, thus” (from OIran. **awa-gauna* “of that kind”) and compounds of demonstrative pronouns and *ōwōn*: *ēd-ōwōn* “in this manner” and *ān-ōwōn* “in that manner,” which can be used more freely in the sentence, also as *attributes* meaning “of this/that kind.”

The remarkable thing about the use of the particle *ōh* in our texts is the fact that it often does not seem to refer to anything, nor does it enter into comparisons, like the other adverbs, which are commonly followed by *čiyōn*, e.g., *ēdōn*, *ōwōn* (...) *čiyōn*, Latin *tale* (...) *quale*, as in the following example from the *Šāyest nē šāyest*:

¹⁷ On this text, see also Skjærvø, “OL’s News: ODs and Ends,” 488–90.

4.7. Pahlavi Videvdad 16.2

ān ī hušk xāk pad ān ī ōy gāh bē ē dahēnd

Let them give dry dust on her place.

ay ka pad gyāg bē sawed ka-iz dast ō barsom dārēd ā-iz rēman nē kund

The meaning/implication is that, if she goes out immediately, even if her hand is touching barsom, even then she does not make (it) impure, –

ka ēdōn bē tuwān šudan ka abāz ō paymān āyēd ōh kund

if it is possible for her to go out in this manner, if she comes back to “normal,” she makes (it impure) in the usual way.

ka pad gyāg andar ō kār estēd wastarg <ī> pad tan dārēd rēman nē kund

If she goes to work immediately, she does not make the clothing that she wears on (her) body impure.

The following, rather interesting, discussion involves a fairly incomprehensible Avestan quotation in the Pahlavi commentary, which itself receives a comment and a reference to an authority who disagreed, in turn followed by a *chain of authorities*:

4.8. Pahlavi Hērbedestān 2.11.1

mastim āθrnāntəm āstāθa

(acc. to the Avestan: ‘You shall (all) stand by the one who *studies (sacred) learning *to become priest*’)

pad frēzwān kunēd tis dādan

Make it an obligatory duty to give something!

aharg nē kerd estēd

(Well,) Abarg didn’t!

mardbūd ī māh-ādur ī gōgušnasp gufi

Mardbūd, Māh-ādur’s (student), Gōgušnasp’s (student) said:

hād sōšāns hē ēdōn gufi

hād pad frēzwān ōh kunišn

*ka tis nēst ā-š *ōh dahišn*

Yes, and Sōšāns said as follows:

Yes, and you should do it as obligatory duty in the usual way.

(And also) if (he) has nothing, then you should give him in the usual way.

And another example regarding the learning of sacred texts:

4.9. Hērbedestān 16.3

kū ka hērbedestān nē kerd wināhgār ōh hawēd

i.e., if he has not ‘done *hērbedestān*’, he becomes guilty as usual.

Both procedures in question *are*, in fact, well known from the *Avesta*, as in the following passages, where the “rushing upon” of the Nasuš and the effect of the dog are described:

4.4. *Pahlavi Videvdad* 3.14

*abar ōy nasuš gumēxtēd az nāg bē az čašm
bē az uzwān bē az padišxwar bē az kēr bē az kūn ī ōy ī murd
awēšān srū ī wināhgārān abar pad awēšān wināhgārān ā-san ān druz ī nasuš abar
dwārēd*

The Nasuš will be mingled with him: from the nose, from the eye, from the tongue, from the jaw, from the penis, from the anus (i.e.) of the dead person.

(Via) their nails (i.e.) those of the sinners, that lie-demon, the Nasuš, will then rush upon those sinners.

4.5. *Pahlavi Videvdad* 8.16

*sag zard 4-čašm ayāb spēd zard-gōš ... pad awēšān rāh ē nayēnd.
abar nayēnd spitāmān zardušt sag-ēw zard 4-čašm ayāb spēd zard-gōš
ān druz ī nasuš abāz dwārēd*

They shall lead everywhere on these paths a yellow dog with four eyes, white, with yellow ears.

They lead, O Spitama Zarathustra, a yellow dog with four eyes, white, with yellow ears,

(and then) this demon Carrion rushes away.

The next example is in the *Hērbedestān* in a discussion about the teacher's obligations to instruct a student he is accompanying away from home, most of which is self-evident:

4.6. *Pahlavi Hērbedestān* 7.5.2

ka-š abāz tuwān nīdan ā-š abāz nayišn
When he is able to lead him back, then he should lead him back.

ka-š āgāhīhā nē tuwān nīdan ā-š āgāhīh dahišn

When he is unable to lead him back while (at the same time) instructing him, then he should instruct him (only).

*ka-š *āgāhīh nē tuwān dādan ā-š ōh srāyīšn*

When he is unable to instruct him, then he should recite to him *as usual*.

ka-š abāz tuwān nīdan āgāhīh dahēd wināhgār nē bawēd

When he is able to lead him back and (also) instruct him, (then) he has incurred no crime.

In the following discussion of a text from the *Videvdad* specifying how far away from the fire a menstruating women must stay, etc., we have three times *ay*. In these instances *ōh* is clearly used to indicate the *rationale* why she has to do so, namely, what would happen if she did:

The following is a discussion about food and condiments to be used for *gōšūdāg*, meat or ghee offering:

4.11. *Pahlavi Nīrangestān* 39.5

barsom ud gōšt ī poxt šāyēd

(Using) the barsom and cooked meat are permitted.

*ka-s *hambun-iz poxtagih ayāh brištāgih padīš paydāg šāyēd*

If there is any evidence whatsoever of its being cooked or roasted it can be used.

namag-sūd šāyēd ud xām nē šāyēd

Salted is permitted, and raw is not permitted.

ast kē ēdōn gōwēd ay xāmīzag šāyēd

There is one who says: The meaning is that pickled meat is permitted.

sōšāns guft hād xāmīzag nē šāyēd

Sōšāns said: Yes, and pickled meat is not permitted ...

*gōgušnasp guft ay ōh xwarišn ēē mard *mardāzōgtar hawēd*

Gōgušnasp said: The implication is that one should eat it in the usual way, for (in this way) a man becomes more *courageous.

5. Other Problems

Other philological issues of technical nature also come up, as in the following examples.

In this example from the *Hērbedestān*, what we call *variae lectiones* appear to be known and discussed by the priests:

5.1. *Hērbedestān* 13.2

**aθa tnuuci ainim¹⁹ aēθra.paitīm upōisōit*

aθa θritīm upōisōit

aēuuathā tūirīm upōisōit

Then/in that manner ... he should seek out another teacher;
then/in that manner he should seek out a third;
and *in one and the same manner* he should seek out a fourth.

Pahlavi:

ēdōn didīgar (...) abar ē xwāhēd

ēdōn sidīgar abar ē xwāhēd

ēk-ēwēnag tasom abar ē xwāhēd

¹⁹ HJ reads *hāθrēm nuucīainim*, and TD *hāθrō nuucainēm*.

This is contrasted in the extended discussion that follows these statements by another in *hād*:

hād ka-š yašt pad wināhgārīh nē kerd estēd

Yes, (and also) when he has not performed a *yasna* in a state of guilt (or: in a manner to produce guilt).

This statement is then supported by an Avestan quotation from the *Yasna haptanḡhāiti* with more specific terminology:

ka-iz-ī harw bār-ēw. iθā āt yazamaide. ašəm vohū.-ēw gōwēd rāy nē tuwān guftan nē gōwēd

Also, as for the case when, each time, he utters one 'in this way we sacrifice *Ašem vohu*', (and) he is unable to say it, (and) does not say it,

ā-iz-iš drāyān-jōyišnīh kunišn

then, too, one should make him (guilty of) 'chatter-chewing'.

ka harw dō ēk-ēw tuwān guftan. iθā āt yazamaide. gōwēd ayāb ašəm vohū. gōwēd

When he is able to say half (of it), he says 'in this way we sacrifice' or he says '*Ašem vohu*'.

*ka-š ašəm.-ēw tuwān būd guftan nē gōwēd ēdōn wināhgār bawēd čiyōn ka-š hamē tuwān būd guftan u-š ēk-iz nē *gufti hē*

If he was able to say one *Order* is etc., (but) does not say it, he becomes guilty in the same manner as if he had been able to say it all, and (then) had not said even one.

Here we see *wināhgār ōh bawēd* contrasted with *ēdōn wināhgār bawēd čiyōn*. The two expressions are similarly contrasted in the *Hērbedestān* in a discussion concerning the amount of *kerbag* "religious merit" that accrues from pursuing priestly studies compared with that from *xwēdōdah* "next-of-kin marriage":

4.10. Pahlavi *Hērbedestān* 2.9

*kerbag az hērbedestān kerdan kerkag ōh bawēd
nē ēdōn bawēd čiyōn xwēdōdah cē ēn dō tis ān tis ēw*

The merit from going to *hērbedestān* is a merit in the usual way. It is not like *xwēdōdah*. For the latter is two things, the former one thing.¹⁸

ast kē ēdōn gōwēd hād ān-iz harw dō ōh bawēd

There is one who says: Yes, and both those, too, are in the usual way.

ān-and hērbedestān kerdan čiyōn yašt-ēw bē kerdan

pursuing priestly studies is as much as performing one *yasna*.

¹⁸ I do not know to what this refers.

yā haca irista upa juuaṇtəm upa.dnuqsaiti
kuṭha aētaṭ nasuṣ pərānāite
yā haca irista upa juuaṇtəm upa.raēθβaiieiti

- (1) How shall he overcome this lie-demon
 who rushes upon a living person from dead matter?
 (2) How shall he overcome this carrion demon
 which contaminates a living person from dead matter?

Pahlavi 1:

ēiyōn ān druz pahikārēd
kū-š stahmagīh ēiyōn bē bawād

How does that Druz fight?
 I.e., how shall her violence come about?—

ast kē ēdōn gōwēd
ay ēiyōn pad ān druz pahikārīhād
*kū-š stōw bē kerdīhād*²³

There is one who says:
 The meaning is, how shall it be fought against that Druz?
 I.e., (how) shall her oppression be effectuated?

kē az ōy rist ō ōy zīndag abar dwārēd pad hamrēd.

– (she) who rushes from that dead one to that living one with (direct) pollution?

The verb *pərāna-* is a middle but transitive verb, as we see from the 1st singular *pərāne* “I overcome”; but there is an authority who knows that the ending *-āite* is often passive, and he insists that is the case here:

Pahlavi 2:

ēiyōn bē bād

How will it be?

ast kē ēdōn gōwēd
ay ēiyōn pad ōy nasuṣ pahikārīhād
kū-š ēiyōn stōw bē kunīhād

There is one who says:
 The meaning is, how shall it be fought against that Nasuṣ?
 I.e., how shall her oppression be performed?

²² The manuscripts fluctuate between 3rd singular forms in *-te/-ti* “he shall overcome” and 1st singular forms in *-ne* “I shall overcome”: °*nāite* Mf2, Jp1; °*nāne* L4, K1, L2, L1. – Next: °*nāiti* L4, Mf2, Jp1; °*nāite* K1a; °*nāne* L2. The form *pərānāne* is in V.9.45 *kuṭha aētaṭ druxš pərānāne* “How shall I overcome this lie-demon?”.

²³ This is the passive of *kerdēnīdān* “cause something to be done.”

In this way let him seek out a second (teacher),
 in this way let him seek out a third,
in one (and the same) manner, let him seek out a fourth!

But there is one who does not agree with this interpretation of Av. *aēuuaθa* and insists that it means the same as the preceding *aθa*, as if it were *auiuaθa*; note *ay* following “says”:

ast kē ēdōn gōwēd
ay ēdōn tasom abar ē xwāhēd

There is one who says:

The meaning is ‘*in this manner* let him seek out a fourth’.

In the *Hērbedestān*, we find what is apparently a significant difference between the present indicative and subjunctive (HJ *paraŋhacāiti*, TD *paraŋhacaite*). Again, this is about accompanying a child:

5.2. *Hērbedestān* 9.5

*cuuaθ ana dbōištam aiianam *paraŋhacāite*

How much is the maximum course he shall accompany it?

Our redactor modifies the statement by adding what is apparently the current interpretation: Pahlavi *pad wārist*, which perhaps means “at his discretion”;²⁰

*ēand pad wārist *ī *ōy abar pad rāh abar bē abāgēnēd*

How much does he accompany it at his discretion on the road?

Kay-ādur-bōzēd and Sōšāns both agree on the addition, but they disagree on the verb:

sōšāns guft hād ēand-iš bē nayēd

Sōšāns said: Yes, (at his discretion and) as far as he leads it.

kay-ādur-bōzēd guft hād ēand-iš nayād

Kay-ādur-bōzēd said: Yes, (at his discretion, but only) as far as he *must* lead it.

A similar disagreement about grammatical forms is found in the Pahlavi *Videvdad*, where the redactor has the interpretation of the Avestan middle form *pārənāite* “shall be overcome” as active *pahikārēd* “fights,” but another authority has passive *pahikārīhād* “shall be fought”:

5.3. *Videvdad* 9.57

*kuθa aēta*²¹ *druxš pārənāite*²²

²⁰ Compare *Yasna* 10.14 *vārəma*, apparently “at will,” and *Yasna* 46.18 *vārəm* rendered in Pahlavi as *pad kāmāg* “at will.”

²¹ The manuscripts: *aētaða* “here” L4; *aētaθ* “this” K1, Mf2, Jp1, L2, Br1, L1; also next.

ka dānēd kū-m nē xūb (kerd) estēd nē pādixšā bē ka pad gyāg abāz šawēd

When he knows that the custody of his property is not well performed, he is not authorized not to go back on the spot.

*ēn kū pad *ēc hangām abāz šawīšn ā-m nē rōšn*

This is not clear to me: at what time (of the year) he should go back.

We may note here that the term *warōmand* is often rendered as “doubtful, in doubt,” but the common Pahlavi word for “doubtful” in the meaning of “harboring doubt” is *gumānīg* from *gumān* “doubt” (about the existence of the gods, the efficiency of the rituals, etc.). I know of no term for something “causing doubt, being in doubt.” The term *warōmand* means “containing war.” The term *war* itself means “breast” and in the expression *rōy widāxtag abar war rēxt* “pour molten brass on the chest” as method of performing a legal ordeal, whence the term itself came to mean “as an ordeal” and was used in expression such as *war nēzag* “an ordeal spear” thrown at someone as an ordeal. This happened in the case of Ardā Wirāz when he submitted to this ordeal in order to decide whether to go into the other world to seek answers to the doubts (*gumān*) that were besetting the Mazdayasnians. It therefore seems to me that *warōmand* must imply that something needs to be tested (though not necessarily by a war), hence my suggested rendering.²⁷

Another instance of the use of *andar warōmandīh-ēw* is in the following passage:

5.5. Pahlavi Videvdad 16.2.3

andar warōmandīh-ēw tā ō šarmgāh pādixšāy ka nē nigerēd

Unless it is a case that should be tested, she is permitted not to look (all the way) to the genitals.

gōgušasp guft ay pad-iz ēwarīh pādixšāy

Gōgušasp said: The implication is that she is permitted (not to look) also when there is certainty.

6. Final Remarks

There are two major prerequisites for understanding the technical Pahlavi (and Avestan) text. One is to “think like a *dastwar*,” the other is to pay close attention to the language of the texts.

We cannot apply modern categories of thinking to those of 1500 years ago. The Zoroastrian scholars of those days did not deal with abstractions to the extent we do today, witness the problems encountered by Yaakov Elman

²⁷ Less probably, perhaps, we have **warr* from Avestan *varəna-* “choice” and **warrōmand* “containing a choice, presenting an alternative reaction/interpretation.”

kē az ōy rist ō ōy zīndag abar gumēxtēd pad padrēd.

– (she) who mingles from that dead one to that living one with (indirect) pollution?

The following example from the *Hērbedestān* is from a discussion about when to go home to look after the property. The word *hamā* “in the summer,” corrupt in the manuscript, does not have an equivalent in the Pahlavi, which leaves the commentator uncertain as to which season is meant. In addition, Avestan *yār-*, which means “season,” is a subdivision of *sarəda-* “year.” In Pahlavi, both are sometimes rendered as *sāl* “year,”²⁴ something that may add to the confusion:

5.4. *Hērbedestān* 4.2

*yāt hiš θriš *yā hamā *aiβišaiti*²⁵

As long as he looks after²⁶ them three times in a season, throughout the summer.

Pahlavi:

ēand pas awēšān xwāstag tā sē hār ī andar sāl abar šawišn

‘As much’ afterward ‘their’ property ‘is to be visited’ – up to ‘three times in the year’,

kū-š harw 4 mäh ēk bār abāz šawišn

i.e., he must go back once every four months.

hād andar warōmandīh

Yes, (but) it is something that should be tested:

*ēd ka nē dānēd kū-m xwāstag-sālārīh xūb kerd estēd {harw} pad 4 mäh *ēw bār abāz šawišn*

this (that) when he does *not* know whether the custody of his property is well performed, he should go back once every four months.

ka dānēd kū-m xwāstag-sālārīh xūb kerd estēd pādixšā ka tā hērbedestān bē gyāg kunēd

When he *does* know that the supervision of his property is well performed, he is authorized to complete his priestly studies.

ay abāz nē šawišn

That means, he does not have to go back.

²⁴ In the *Yasna*, *yāriia-* is rendered as *sāl* with the gloss *gāhānbār* (*Yasna* 1.9) or simply as *gāhānbār* (*Yasna* 2.9) and the expression *rātu- yāriia- sarəda-* (in the plural) “the seasonal and yearly *ratus*” is rendered in Pahlavi as *rad ī ... gāhānbār ud sāl* “the *ratus* of the *gāhānbār* and the years,” where *gāhānbār* refers to the six seasonal festivals as listed in *Yasna* 1.9, 2.9.

²⁵ Ms. HJ is missing; TD: *yāt hiš θriš yāhmā aiβiš.iti*, compare *Nir.* 25.2: *θrišūm yā* “a third of a season.”

²⁶ Compare Old Indic *abhīkṣa-* “look toward”?

nate.²⁹ Subsequent extensive reading has shown that the term is, in fact, not uncommon in Pahlavi.

To conclude, I want to point out, once more, that recent work has awakened the hope for significant progress in these various aspects of the study of Pahlavi exegetical literature, with the work of Alberto Cantera and his students, Yuhan Vevaina's work on book nine of the *Dēnkard*, Maria Macuch's student Götz König's work on *Zand ī Fragard ī Jud-dēw-dād* and the parallel texts, my own collaboration with Shai Secunda and Yaakov Elman, all of us continuing the ground-breaking work of Christian Bartholomae at the turn of the nineteenth century and of Maria Macuch and others that started in the late twentieth century and still goes on. It is always so much easier to make progress standing on the shoulders of giants!

As for our non-Iranist colleagues, what they need to do, if they want to use these texts, is to familiarize themselves with both the language and the style of the texts, so that they can at least to some extent keep an eye on what the editors have done. I hope this will not deter our colleagues in Jewish Studies from consulting this material, however. It is quite clear by now that the Pahlavi texts – and even the Avestan ones – are relevant and even important for their work, too.

²⁹ This verb has no obvious etymology, but "rub" is clearly out of the question. We are not talking about a massage.

not only in trying to identify the concept of negligence in the Pahlavi texts in his contribution in this volume, but to define it. The *dastwars* would clearly refer to a category of crime, not by an abstract term substituting for numerous concrete terms, but in casuistic fashion, by citing either concrete cases as examples or by referring to a scriptural passage dealing with concrete cases.

Thus, with regard to the terms *nigerišnīg* and *sūdagihā* featured in Elman's discussion in this volume, *nigerišnīg* means literally "something that should be looked at/after," whereas *sūdagihā* *prima facie*, it seemed to me (at the time), ought to mean "in a manner (-*ihā*) such that one derives benefit (*sūd*)." We may note that "negligence" was, as Elman informed me upon my insistence that he give me a definition, not a well-defined legal concept, but varied in the sources; he, on his part, refused to produce a working definition. A common factor, however, it seems to me, may be "omission of performance of an expected action," leaving the nature of the omission, performance, expectation, and action and their respective importance to be specified.

Paying attention to the text implies examining both the grammar, especially syntax and semantics, of the text and the manuscript readings (text criticism). It is a fact that we still do not have a comprehensive description of Pahlavi syntax, nor a reliable dictionary with text references. It is a frustrating task trying to excavate from the secondary literature the origin of some of the meanings given in MacKenzie's *Dictionary*, as exemplified by words such as *sūdagih* "negligence, indolence." So, in the case of "negligence," I theorized that expectation may be contingent upon "examination" (*nigerišn*). I therefore tentatively assumed the adjective *sūdag* means "providing/implying benefit (*sūd*)" and that *sūdagih* referred to a situation in which the greater concern had to take precedent and that it referred to the decision to perform another action than the expected one, because the other would produce a "greater" rather than "lesser" benefit.

Continuing my search for the origin of the meaning "negligence" for *sūdagih*, I finally found the needed reference to an article by Bamanji Nasarvanji Dhabhar in Shaul Shaked's edition of book 6 of the *Dēnkard*.²⁸ From the material assembled by Dhabhar, I think it is fairly clear that the term refers to lack of interest and engagement on the part of somebody, for instance, a doctor, which would conform to the working definition above. Dhabhar's etymology, however, from *sāy-/sūd* "to rub," I find impossible. On the other hand, if the term *sūdag* implies "slack," as Dhabhar occasionally renders it, then the verb *āsāy-/āsūd* "to rest" is a possible cog-

²⁸ Shaul Shaked, *The Wisdom of the Sasanian Sages (Dēnkard VI) by Aturpāt-i Ēmētān*, Persian Heritage Series, Nr. 34 (Boulder, Co.: Westview Press, 1979).

What form of theism is espoused in the *Gāthās*? Are the *Gāthās* the sublime words of an enlightened prophet or do they represent the ritual poetics of a circle of priests operating in the tradition of their Vedic counterparts? Is group eschatology – the end of the world, the final judgment, and the resurrection of the dead – alluded to in the *Gāthās* or merely individual eschatology – the fate of a person's soul after death? These questions are seen as crucial, not only for the study of early Zoroastrianism, but also for their implications for *all* later historical periods. This prestige of origins has often been accompanied by the more or less explicit notion that later texts that deviate from the putative intent of Zarathustra the prophet or poet-sacrificer are somehow lacking the sophistication of thought that the *Gāthās* possess.

In this paper I challenge the common trend of characterizing the Zoroastrian interpretive tradition in Middle Persian (Pahlavi) as merely unsuccessful attempts on the part of the Zoroastrian priests of the Sasanian age and in the early centuries of Islam (ca. third to twelfth centuries C.E.) to interpret “correctly” ancient texts they no longer understood. Historically, most Iranists have typically read Zoroastrian exegetical texts in two interrelated ways. The first has been to read them with an eye to solving intractable philological and linguistic problems in the *Gāthās*.³ The second has been to suggest that the creation of these heterogeneous and seemingly random texts was a response to genuine interpretive difficulty due to the great passage of time – two millennia of primarily oral transmission – between the composition of the Old Avestan originals and their Pahlavi translations and commentaries. Both these approaches are diachronically focused and afford little or no agency to the Zoroastrian interpreters who produced these later Pahlavi commentaries.⁴ Since these Pahlavi texts are typically used as an aid for understanding the *Gāthās*, exegetical texts that do not appear to be discussing the contents of the Avestan passage in question do not fundamentally fulfill the philological expectations of what an interpretive text “should do,” and have been therefore largely ignored. In contrast to these philologically

³ Due to their brevity (17 hymns as opposed to the 1,028 of the *Rg Veda*) and their grammatical and contextual difficulties, the *Gāthās* have been a source of frustration for Iranists. Some of the grammatical difficulties of the *Gāthās* include: (1) the absence of pronouns (personal and demonstrative) that would allow us to make definite assignments of crucial concepts to the poet or to the god, to the human or the divine sphere; (2) the ellipsis of nouns and verbs, leaving adjectives with ambiguous references and sentences without subjects or verbs or both; and (3) the lack of antecedents of relative pronouns (Skjærvø, *Weaving Worlds of Thought: Old Iranian Cosmogony and Ritual and the Myth of the Fravashis*, forthcoming, §0.6).

⁴ The work of Shaul Shaked has been a notable exception to this trend. Also, see most recently, Skjærvø, “The Story of Aži Dahāka in the 9th Book of the *Dēnkard* and Pahlavi āyēb ‘Blaze,’ ‘Conflagration,’” in *Chomolangma, Demawend und Kasbek: Festschrift für Roland Bielmeier zum 65. Geburtstag*, eds. Brigitte Huber, Marianne Volkart, and Paul Widmer (Haale: International Institute for Tibetan and Buddhist Studies, 2008), 533–49.

Relentless Allusion

Intertextuality and the Reading of Zoroastrian Interpretive Literature*

YUHAN SOHRAB-DINSHAW VEVAINA

In memory of my Grandmother

Since the mid-nineteenth century, the field of Zoroastrian studies has privileged the search for the “original” meaning intended by the prophet Zarathustra in the five Old Avestan¹ *Gāthās*, or “poems,” tentatively dated to the mid-second millennium B.C.E. For most Iranists still, Zarathustra is not merely the author of the *Gāthās* – the oldest and most sacred texts of Zoroastrianism – but he is an “author” whose authorial intent is a fundamental prerequisite for understanding the essence of the *entire* Zoroastrian tradition.²

* The present work is a modified version of Part VI of my doctoral dissertation: Yuhán S.-D. Vevaina, “Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the *Sūdgar Nask* of *Dēnkard* Book 9,” Harvard University, 2007. I must thank my dissertation committee: Prods Oktor Skjærvø, Yaakov Elman, and M. Rahim Shayegan for their expertise and support. I would also like to thank Charles Häberl, Melissa Haynes, Jeremy Rau, Shai Secunda, Dan Sheffield, and Greg White for reading drafts of the dissertation chapter and making useful suggestions. I must also thank the conference participants at “The Talmud in Its Iranian Context” held at the University of California at Los Angeles, May 6–7, 2007.

¹ The *Avesta* falls into two chronological layers, “Old Avestan” and “Young(er) Avestan.” The *Old Avesta*, occupying a ritually central position in the *Yasna* liturgy (“Sacrifice,” cognate with Sanskrit *yajña*-), comprises three sacred prayers: the *Yaθā Ahū Vairiīō* or *Ahuna Vairiia* (*Yasna* 27.13), the *Ašəm Vohū* (*Y.* 27.14), and the *Yejhē Hātqm* (*Y.* 27.15); the five *Gāthās*, (*Y.* 28–34, 43–46, 47–50, 51, and 53); the *Yasna Haptanḥāiti* (*Y.* 35–41); and a fourth sacred prayer at the end of the fifth *Gāthā*, the *Ā Airiīāmā Išiiō* or *Airiīaman* (*Y.* 54.1). For a description of the Avestan corpus, see Jean Kellens, “Avesta,” in *Elr* 3, 1, (1988): 35–54; for the *Old Avesta*, see Prods Oktor Skjærvø, “The Antiquity of Old Avestan,” *Nāme* 3, 2 (2003–2004): 15–41.

² Michel Foucault suggested that certain “transdiscursive” figures such as Homer, Aristotle, the Church Fathers, some mathematicians, and the originators of the Hippocratic tradition exerted an influence on subsequent discourse beyond just the works they produced or were believed to have produced (Foucault, “What Is an Author?” in *Textual Strategies: Perspectives in Post-Structuralist Criticism*, trans. and ed. Josué V. Harari [Ithaca: Cornell University Press, 1979], 141–60; repr. in *The Foucault Reader*, ed. Paul Rabinow [New York: Pantheon Books, 1984], 101–20).

tertextuality" from literary-theoretical approaches to Rabbinic interpretation⁸ and by doing so, I hope to articulate new strategies for reading Zoroastrian interpretive texts so that we may gain a more nuanced understanding of the rhetorical strategies and interpretive modes utilized by the Zoroastrian priests to reinscribe meaning into their scriptures.

The text I will examine is a section (*fragard*) from the ninth book of the *Dēnkard*,⁹ a ninth century C.E. Pahlavi commentary on the *Gāthās*, putatively derived from "lost" Pahlavi and Avestan texts. My choice of *Dēnkard* Book 9 was largely conditioned by two factors: its unique literary structure and its virtual exclusion from recent academic discourse on Zoroastrianism despite its theological importance. Besides providing us with a tantalizing glimpse at the scope of the "lost" *Avesta*, what makes *Dēnkard* Book 9 a significant text within the Zoroastrian sacred corpus is the fact that it is a threefold Pahlavi commentary on the Pahlavi translation (*zand*)¹⁰ of the *Gāthās*, thus providing us with an unparalleled opportunity to study three radically different interpretations of the *Gāthās*. These three commentaries are the *Sūdgar Nask* (*Dk.* 9.1–23), the *Waršt mānsr Nask* (*Dk.* 9.24–46), and the *Bag Nask* (*Dk.* 9.47–69).¹¹ These *nasks* ("bundles") are three of twenty-one *nasks*, which,

⁸ See the useful discussions of Carol Bakhtos, "Method(ological) Matters in the Study of Midrash," and Joshua Levinson, "Literary Approaches to Midrash," in *Current Trends in the Study of Midrash*, ed. Carol Bakhtos (Leiden: E. J. Brill, 2006), 161–88, and 189–226.

⁹ The *Dēnkard*, the largest extant work written in Pahlavi (approximately 169,000 words), comprises nine books of which only books 3–9 have survived. Books 3–5 are an apology for Zoroastrianism, Book 6 is devoted to moral wisdom and advice literature (*andarz*), Book 7 to the life and legend of Zarathustra, Book 8 is the "Table of Contents" of the Sasanian *Avesta* with its Pahlavi translations, and Book 9 contains three commentaries (*nasks*) on the *Gāthās*. The compilation of the *Dēnkard* was begun by Ādurfarōbag ī Farroxzādān, a leading high priest who had a religious debate with Abālīs, a heretic, in the presence of the 'Abbāsīd Caliph 'Abd-Allāh al-Ma'mūn (A.H. 198–218 / 813–833 C.E.). The work was completed by another priest Ādurbād Ēmēdān, who reconstructed the partially destroyed work compiled by Ādurfarōbag, and was transmitted to his son Zardušt. For the *Dēnkard*, see Philippe Gignoux, "Dēnkard," in *Elr* 7, 3 (1994): 284–89; also see Jean de Menasce, *Une encyclopédie mazdéenne: Le Dēnkard: Quatre conférences données à l'Université de Paris sous les auspices de la Fondation Ratanbai Katrak*, Bibliothèque de l'École des Hautes Études – Séction des Sciences Religieuses 59 (Paris: Presses Universitaires de France, 1958).

¹⁰ Word-for-word Pahlavi translations and glosses that follow the poetic syntax of the Avestan source text. They complement the *Avesta*, and form a single conceptual unit. This relationship is encapsulated in the Pahlavi phrase *abestāg ud zand*, later Persian *Zand-Avistā* (and variants), which was used (misleadingly) in early Western scholarship as the name of the Zoroastrian scriptures, see Shaked, "The Traditional Commentary on the Avesta (Zand): Translation, Interpretation, Distortion?" in *Convegno internazionale sul tema: La Persia e l'Asia Centrale da Alessandro al X secolo* (Roma, 9–12 novembre 1994), *Atti dei Convegni Lincei*, 127 (Rome: Istituto italiano per il Medio ed Estremo Oriente, 1996), 641–56, in particular, 641.

¹¹ For the first two *nasks*, see my forthcoming entry, "Sūdgar and Waršt mānsr nasks," in *Elr*. For the *Bag nask*, see the entry of Skjærvø, "Bag nask," in *Elr* 3, 4 (1988): 400–01.

driven approaches, I read the Pahlavi commentaries on the *Gāthās* as dynamic literary programs that are clearly ideologically motivated discourses whose dense literary structures have remained opaque despite a century of scholarship precisely because they do not provide us with the "plain sense" of the *Gāthās*.

The last five years have seen a renewed interest in the field of Irano-Judaica⁵ and therefore the present paper serves as a platform for a larger project that illuminates the literary and theological workings of Zoroastrian interpretive discourse for a wider audience, rather than just specialists on Iran and Zoroastrianism. Towards that end, I shall rely on the literary theory of "intertextuality," largely mediated through its use in Midrashic studies, to articulate new strategies for reading Pahlavi interpretive literature. I contend that certain Pahlavi commentaries on the *Gāthās* share certain striking structural similarities with midrash with its multiple interpretations, expansive paraphrases, and its harmonizing of seemingly unrelated verses of scripture, and therefore offer scholars of Jewish studies and comparative religion an untapped source for studying comparative exegesis and hermeneutics. As Steven Fraade has argued, interpreting midrash is a "doubly hermeneutical task: 'How does midrash read its biblical text? How does the 'belated' student of midrash read the midrashic text?'"⁶ For belated students of the neighboring Zoroastrian tradition such as myself, we are faced with an enormous challenge in adequately representing the Zoroastrian interpretive tradition. Simply put, there is no theoretical discourse in contemporary scholarship on Zoroastrianism to speak of, and although Zoroastrianism has been studied as an academic discipline since the eighteenth century, no book-length study of Zoroastrian hermeneutics exists.⁷ This has led me to adapt the theory of "in-

⁵ Besides the seminal conferences and conference volumes edited by Shaul Shaked and Amnon Netzer, see the recent publications of Yaakov Elman in particular: Elman, "Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity," in *Neti'ot le-David: Jubilee Volume for David Weiss Halivni*, eds. Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot, 2004), 31–56; and *idem*, "'Up to the Ears' in Horses' Necks (B.M. 108a): On Sasanian Agricultural Policy and Private 'Eminent Domain,'" *JSIJ* 3 (2004): 95–149; and most recently *idem*, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition," in *The Cambridge Companion to the Talmud and Rabbinic Culture*, eds. Charlotte Elisheva Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 165–97.

⁶ Steven Fraade, "Interpreting Midrash 1: Midrash and the History of Judaism," *Prooftexts* 7 (1987): 179–94, in particular 179.

⁷ The work that most closely approximates a study of the Zoroastrian interpretive tradition is that of Marijan Molé, *Culte, mythe et cosmologie dans l'Iran ancien: Le problème zoroastrien et la tradition mazdéenne*, Annales du Musée Guimet, Bibliothèque d'Études 69 (Paris: Presses universitaires de France, 1963). It should be noted that Molé only obliquely addressed the issues of exegetical technique and hermeneutical modes.

from their relationships with other texts (cotexts) in the Zoroastrian religious corpus. In more traditional literary approaches, a text was the actual words that made up a work of literature, giving it a self-contained, stable, and permanent meaning. In structuralist and poststructuralist theories of reading, the "text" comes to stand for whatever meaning is generated by the intertextual relations between various texts and the activation of those relations by readers.¹⁵ Absolute and aesthetic notions such as originality, genius, or uniqueness are not valorized in intertextual approaches that tend to focus on the production of texts rather than on their creation with the result that the focus shifts from the creativity of an omniscient author and his/her intent to an author being placed in the role of a compiler or arranger of pre-existent possibilities within the language system.¹⁶ A text is therefore no longer treated as a monologic work, that is, as having a single, stable meaning composed and intended by an author and interpreted by readers and critics in value-free terms.

Since the work of the New Critics in the 1930s and 1940s, the importance of authorial intent in literary studies has been hotly contested. "Strong" theories of intertextuality as espoused by Jacques Derrida and Roland Barthes, among others, advocate a reading of texts where the author's only authority in composing a text is derived from his/her power of quotation. In discussing textuality and authorial intent in his seminal essay, *The Death of the Author*, Barthes altered the notion of the traditional importance of the author:

... a text is made up of multiple writings, drawn from many cultures and entering into mutual relations of dialogue, parody, contestation, but there is one place where this multiplicity is focused and that place is the reader, not as was hitherto said, the author. The reader is the space on which all the quotations that make up a writing are inscribed without any of them being lost; a text's unity lies not in its origin but in its destination.¹⁷

For Barthes, the real power in the author-reader relationship lies with the reader who is able to interpret the text from a perspective radically different from what the author "intended." These "strong" theories of intertextuality imply that any perspective taken by an interpreter is valid, even one that does violence to the text in question. *Dēnkard* Book 9's radical departure from the intended meaning (by Zarathustra the "author") or expected meaning (by philologists) of the Gathic texts clearly poses significant problems for more traditional reading strategies. Stephen Hinds, in his work on inter-

¹⁵ Allen, 220.

¹⁶ Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990), 8.

¹⁷ Roland Barthes, "The Death of the Author," in *Image, Music, Text*, trans. Stephen Heath (New York: Hill and Wang, 1977), 148.

according to *Dēnkard* Book 8, constituted the *dēn* – the sacred corpus of Zoroastrianism – in the Sasanian (224–651 C.E.) and early Islamic periods.¹² Besides the fact that we still have no critical edition of this text,¹³ the challenge of working with *Dēnkard* Book 9 is that it claims to be a Pahlavi résumé of “lost” Pahlavi translations of “lost” Young Avestan commentaries on the Old Avestan *Gāθās*. This means that we are potentially dealing with interpretive literature of the fourth degree and approximately two and a half millennia of primarily oral transmission.

1. Why Use an “Intertextual” Approach?

Since Julia Kristeva coined in the 1960s the neologism “intertextuality,” it has been a most protean term, being defined in many different ways, and in a voluminous body of literature.¹⁴ The basic working definition I adopt here is that texts like *Dēnkard* Book 9 are particularly conducive to intertextual readings because their narrative structures and meanings are clearly derived

¹² Based on the résumé of the 21 *nasks* of the Sasanian-era corpus in *Dēnkard* Book 8, one estimates that three-quarters of the *dēn* is now lost. We have only one complete extant *nask* in Avestan and Pahlavi – the *Videvdad* – and fragments of others, e.g., *Hādōxt Nask*. Of the three *nasks* of *Dēnkard* Book 9, only one *fragard* in the *Warštāmānsr Nask* (Dk. 9.46) has an extant Avestan source text, the so-called Fragment Westergaard 4.1–3 (see Vevaina, “Studies in Zoroastrian Exegesis,” 175–81). It should be noted that the Pahlavi text is extremely faithful to the Avestan fragment (see Vevaina, “Resurrecting the Resurrection: Eschatology and Exegesis in Late Antique Zoroastrianism,” *BAI* 19 [2009]: 215–23). For a critical discussion of the notion of a “canon” in Zoroastrianism, see Michael Stausberg, “The Invention of a Canon: the Case of Zoroastrianism,” in *Canonization and Decanonization: Papers Presented to the International Conference of the Leiden Institute for the Study of Religions (LISOR), Held at Leiden 9–10 January 1997*, eds. Arie van der Kooij and Karel van der Toorn (Leiden: Brill, 1998), 257–78.

¹³ See the still unpublished doctoral dissertation of Ahmad Tafazzoli, “A Critical Edition of the Ninth Book of *Dēnkard*” (Ph.D. diss., University of Tehran, 1966) (Persian). For the most recent work on *Dēnkard* Book 9, see Dan Shapira, “Studies in Zoroastrian Exegesis: *Zand*” (Ph.D. diss., Jerusalem, 1998). The lack of a critical edition of this philologically challenging text is clearly a significant factor for it being rarely cited in survey articles. In order to fill this lacuna, I am in the process of preparing a critical edition of the *Sūdgar Nask* based on all the available manuscripts (for which see, Vevaina, “Studies in Zoroastrian Exegesis,” Part 3, 35–46).

¹⁴ Udo J. Hebel’s, *Intertextuality, Allusion, and Quotation: An International Bibliography of Critical Studies* (New York: Greenwood Press, 1989), contains over 2,000 entries, and much more has been published since. For a history of the concept and discussions of some of its major practitioners, see Judith Still and Michael Worton, eds., *Intertextuality: Theories and Practices* (Manchester: Manchester University Press, 1990); Jay Clayton and Eric Rothstein, eds., *Influence and Intertextuality in Literary History* (Madison: University of Wisconsin Press, 1991); and Graham Allen, *Intertextuality* (London: Routledge, 2000). For a critical reading of the term and its major practitioners, see Mary Orr, *Intertextuality: Debates and Contexts* (Cambridge: Polity, 2003).

As Boyarin points out, “the narrative of the Torah is characterized by an extraordinarily high degree of gapping, indeterminacy, repetition, and self-contradiction.”²² Like the Torah, the *Gāthās* are severely “gapped”²³ texts, and, as I will demonstrate, these gaps are filled by “strong readers” – Zoroastrian priests – who fill in the gaps of the Avestan discourse by constructing interpretive narratives that are often extremely challenging to understand. Paul Ricoeur has described such interpretive narratives as follows:

These are narratives in which the ideological interpretation these narratives wish to convey is not superimposed on the narrative by the narrator but is, instead, incorporated into the very strategy of the narrative.²⁴

I find intertextuality to be a particularly useful reading strategy for understanding these dense narratives in *Dēnkard* Book 9 since the text includes a rich variety of material seemingly unconnected with its Gathic source text. The text I analyze is found in the first of the three commentaries, the *Sūdgar Nask*, and it clearly derives its exegetical trajectories and literary structures from its relationship with other texts such as the Pahlavi *Mēnōy ī Xrad* and *Ardā Wirāz Nāmag*, the Young Avestan-Pahlavi *Videvdad* (*Widēwdād*), the Young Avestan-Pahlavi-Sanskrit *Aogāmadaēcā*, and the Young Avestan *Hādōxt Nask*, amongst others. The harmonizing of the three major genres of the extant *Avesta* – the ritual-poetic *Gāthās*; the mytho-epic hymns to various deities, the *yašt*s; and the legal-didactic and mythological *Videvdad* – in the *Sūdgar Nask*’s interpretations of the *Gāthās* highlights the intertextual interpretive strategies of the Zoroastrian exegetes.

“The Importance of Orality for the Study of Old Iranian Literature,” *Nāme* 5, 1–2 (2005–2006): 9–31.

²² Boyarin, *Intertextuality*, 39.

²³ A “gap” is any element in the textual system, which is required for a coherent construction of the story or narrative. It also serves to mark contradictions and repetitions that are in need of resolution (Boyarin, *Intertextuality*, 41). For a recent critique of the notion of the “gap” and reader-response theories in general, see Michael Bérubé, *Rhetorical Occasions: Essays on Humans and the Humanities* (Chapel Hill: University of North Carolina Press, 2006), 97–110.

²⁴ Paul Ricoeur, “Interpretive Narrative,” in *Figuring the Sacred: Religion, Narrative, and Imagination*, ed. Mark I. Wallace; trans. David Pellauer (Minneapolis: Fortress Press, 1995), 181.

textuality in Latin literature, expresses the two poles of the debate on agency and authorial intent:

Just as there is a philological fundamentalism which occludes broader discursive dynamics in its privileging of tight authorial control, so there is an opposite kind of fundamentalism – an intertextualist fundamentalism – which privileges readerly reception so single-mindedly as to wish the alluding author out of existence altogether.¹⁸

With regard to this contentious issue in Rabbinic literature, Daniel Boyarin suggests:

One of the most characteristic features of midrash is the way in which, as a reading practice, it violates the context of the texts being interpreted and cited. This is often cited as evidence for either the naïveté or hermeneutic bad faith of the rabbis; however, it is precisely the question of the power of context to determine meaning that is at issue in contemporary theory. This power necessarily implies the continued presence of the author or, at any rate, the author's intention, in his text, which is exactly what is denied by contemporary philosophies of meaning such as Derrida's...¹⁹

These assumptions of "naïveté" or "hermeneutic bad faith" are not limited to the rabbis; Zoroastrian priests are commonly described in such terms as well. As a corrective to this approach, I propose a "weak" form of intertextuality by which Zoroastrian texts are read as open works that are sites of indeterminacy, but whose authors are accorded productive and interpretive agency, and whose interpretations are constrained and circumscribed by both the received (diachronic) tradition and the semiotic (synchronic) system in which that "author" is situated. To embrace the more radical claims regarding the death of the author's agency, as advocated by Barthes and other post-structuralists, would be to undermine my own reading of Zoroastrian exegesis, since I argue for both a reevaluation and a revaluation of the Zoroastrian interpreters and their interpretive project(s).

I find Boyarin's work on intertextuality and midrash to resonate strongly with my attempts to read and characterize the exegetical techniques and hermeneutical strategies employed by the interpreters of *Dēnkard* Book 9. He describes texts as being composed of "a mosaic of conscious and unconscious citation of earlier discourse,"²⁰ and suggests that "every text is constrained by the literary system of which it is part. This is all the more true for texts, which are the products of oral, group production and redaction."²¹

¹⁸ Stephen Hinds, *Allusion and Intertext: Dynamics of Appropriation in Roman Poetry* (Oxford: Oxford University Press, 1998), 48.

¹⁹ Boyarin, "Old Wine in New Bottles: Intertextuality and Midrash," *Poetics Today* 8, 3–4 (1987): 542.

²⁰ Boyarin, *Intertextuality*, 12.

²¹ *Ibid.*, 14. On the questions of collective authorship and orality in Rabbinics, see most recently, Martin S. Jaffee, "Rabbinic Authorship as a Collective Enterprise," and Elizabeth Shanks Alexander, "The Orality of Rabbinic Writing," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, 17–37, and 38–57. For the Iranian side, see Skjærvø,

naēdā daxīdūš # yōi sāsītārō draguuanō
kaθā θβā # mazdā xšnaošāi ahurā

To what ground am I bending? Where shall I go to find pasture?
They are setting (me) apart from (my) family and community.
The household I want to pursue has not favored me with its generosity,
nor the tyrants of the land, who are possessed by the Lie.
How shall I win (your) favor, O Mazdā Ahura?

While the Gathic source text begins with Zarathustra's "poet's complaint,"²⁸ the concerns of the Pahlavi interpreters of the *Sūdgar Nask* are quite different. Without preamble, it states that the *Kamnamaēzā Hāiti* is "about" (Pahl. *abar*) the coming of the demon of death, Astwihād (Av. *Astō.vīdōtu-*, "the bone-untier") to the dead body. The narrative then proceeds with an existential meditation on the inescapability of death and the importance of living well (*Dk.* 9.16.1–11). The text then abruptly becomes "about" (*abar*) the seven immortal rulers²⁹ (*a-hōš xwadāy*) of the continent of Xwanīrah³⁰ (*Dk.* 9.16.12–20). This *fragard* concludes with a discussion regarding the identity of the "eighth *kay* (Av. *kauui-*)," whether Kay Wištāsp or Kay Husrōy, which, in turn, alludes to the latter's role in universal eschatology. Let us turn to the text itself:³¹

(1) *panjdaḥom fragard kamnamēz – abar rasišn ī astwihād pad gyāg ud kas ud a-bōzišn ī aziš kas-iz az ōšōmandān <ud> abar xwāst nē sazistan ī ōšōmand tan ud frasāwand xīr <ī> mardōm.* (2) *ud ēn-iz kū ōšōmandān hamāg astwihād pad ān ī škeft ud frāz-paydāg abd barēd ud nē bōxtēnd az-iš kas-iz bē kē ruwān bōzēd.* (3) *<ud> ēn-iz kū ruwān ēw-tāg wēnēd mēnōy mizd ud puhl. ud tanōmand nē ēdōn wēnēd agar-iš tanōmand ēiyōn ān did hē ēg-iš pad-iz ēiš-iz <ī> āsānīh ud xwārīh ī gētīy wināh hambun-iz nē kerd ud az kirbag fradom nē mōšid hē.* (4) *ud abar zištīh ud sa(h)mgenīh ī mardōmān tan pas az marg ud ān-iz ī pad har abāyišnīg *ēiš ī³² grāmīgdar dāst ēstād a-frasāg* (5) *andar xāk-abgandagīh ud zīndagān-iz ān ī-š nabānazdištār an-abēdānīgīh az-iš dūrīh.* (6) *ud ka ēg-iz bōy pad nazdikīh ī tan ud sag ud wāy pad wišōbišn ī tan frāz šawēnd bōy az-išān ēiyōn mēš az gurg tarsēnīdan ud ō sag ud wāy abar nē wišuftan ī tan pahikārdan ud awēšān ān gōwišn mēnōyīhā mārdaḥ ud fradom abāz passardan [ud] ān tan zīndag menīdan.* (7) *ud pas ka-šān*

²⁸ See Skjærvø, "Rivals and Bad poets: The Poet's Complaint in the Old Avesta," in *Philologica et Linguistica: Historia, Pluralitas, Universitas: Festschrift für Helmut Humbach zum 80. Geburtstag am 4. Dezember 2001*, eds. Maria Gabriela Schmidt and Walter Bisang (Trier: Wissenschaftlicher Verlag Trier, 2001), 351–76.

²⁹ A list of the various immortals in the Pahlavi texts can be found in Arthur Christensen, *Les Kayanides*, Det Kgl. Danske Videnskabernes Selskab: Historisk-filologiske Meddelelser 19, 2 (Copenhagen: Andr. Fred Høst & Son, 1931), 153–56.

³⁰ In Zoroastrian cosmography this is the central of the seven continents and contains *ērānwēz* (Av. *airiianəm vaējō*), "the Aryan expanse," the mythical homeland of the Iranians.

³¹ For the purposes of readability and to illustrate its literary structure, I have divided this *fragard* into two halves. For the text with a full critical apparatus, see Vevaina, "Studies in Zoroastrian Exegesis," 278–83.

³² Mss.: *ēištīh*.

2. Text Analysis: Dēnkard 9.16.1–20 on Yasna 46.1–19²⁵

Dēnkard Book 9 contains three radically different interpretations of the *Gāthās* which suggests to me that the notion of a “plain-sense” or “orthodox” reading of the *Gāthās* was just as untenable a notion in Zoroastrian hermeneutics as it has proven to be a major challenge for Talmudists. The text in question is the *Sūdgar Nask*’s section (*fragard*) on the *Kamnāmaēzā Hāiti* (*Yasna* 46.1–19) in *Dēnkard* 9.16.1–20. The *Kamnāmaēzā* is the last *hāiti*²⁶ of the *Uštānuaitī Gāthā* (*Yasna* 43–46) and begins with two questions posed by Zarathustra to Ahura Mazdā: *kam nāmōi zqm kuθrā nāmōi aienī* “To what ground am I bending? Where shall I go to (find) pasture?”²⁷ All three *nasks* begin with this question, but each of them provides a different answer (See *Appendix 1* for the *Pahlavi Yasna* and the other two *nasks*). In the *Warštmanšr Nask*’s exegesis of the *Kamnāmaēzā Hāiti* (*Dk.* 9.39.1–31), the question is answered as a search for the *xwarrah* (“Divine Fortune”). In the *Bag Nask*’s exegesis (*Dk.* 9.61.1–15) the answer is provided by Ohrmazd himself, who tells Zarathustra to go to a land where he will be welcome and find patronage. I shall focus here on the *Sūdgar Nask* since its interpretations are the most associative and expansive among the three *nasks*, and consequently, they depart most radically from the “plain” sense of this Gathic strophe.

At this juncture a brief word about the Gathic source text might be in order. In preparation for the conclusion of each of the five *Gāthās*, the poet-sacrificer (Zarathustra) explains to Ahura Mazdā that he has very little in the way of possessions and would appreciate and deserves a fee for his praise of the deity. In the opening of this *hāiti*, he appears to be complaining about having no land to till nor any pastures and feels slighted by those in society who did not remunerate him for his good sacrifice:

kam nāmōi zqm # kuθrā nāmōi aienī
pairī xʾēitāuš # airīamnascā dudaitī
nōit mā xšnāuš # yā vərəzānā hācā

²⁵ Partial translations in Mary Boyce, “On the Antiquity of Zoroastrian Apocalyptic,” *BSOAS* 47, 1 (1984): 57–75, in particular 65; Alan V. Williams, *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*, 2 vols., Historisk-filosofiske Meddelelser 60, 1–2 (Copenhagen: Det Kongelige Danske Videnskabernes Selskab, 1990), vol. 1, 240; and Shapira, chap. 4, appendix 1, 225.

²⁶ This is a traditional division of the *Gāthās*. For the literary structure of *Dēnkard* Book 9 and its relationship with its Old Avestan source text, see Vevaina, “Studies in Zoroastrian Exegesis,” 13–16.

²⁷ My rendering takes into account the philological arguments and rereading of this line by Helmut Humbach with Skjærvø and Josef Elfenbein, *The Gāthās of Zarathushtra and the Other Old Avestan Texts*, 2 vols., Indogermanische Bibliothek, Reihe 1, Lehr- und Handbücher (Heidelberg: Carl Winter Universitätsverlag, 1991), vol. 2, 175. Also see Kellens, “Yasna 46, 1 et un aspect de l’idéologie politique iranienne,” *StIr* 12 (1983): 143–50.

(12) *ud abar haft a-hōš xwadāy ī andar kišwar ī xwanīrah dād ēstēd u-šan abar xwarrah ud wazurg-ōzih ud nekīh-iz ī ayārān ud zmdag pādixšāy ī andar har dō axwān.* (13) *wan ī jud-bēš abar ērān-wēz ud pad ān ī friyānīyān gāh.* (14) *ud gōbed andar an ērān dehān.* (15) *ud pišyōsn ī wištāspān pad kangdiz ī stēndag-drašt kē andar ān hōwar ān ī *buruwšān kē syā samōr dāwēnd ī dēn dōšdār ī ahlaw az pasih ī pišyōsn ī wištāspān.* (16) *ud fradāxšt ī xumbīgān ī hōšang pus kē pādixšāy pad āh ī nāydāg.* (17) *ud ašwazd ī pōrūdaxšt pus kē pādixšāy abar pad hālist ī paydāgdōm dašt ī pēšt(i)nās.* (18) *ud barazd ī kōšīšn-kerdār.* (19) *ud haštom kay ī nāmīg wištāsp ast kē kay husrōy gōwēd kē ān ī tō dēn ī mazdēsnañ rawāgih-iz dahēd ud andar-iz dānēd kē ān ī man warzišn ī weh dahēd frāz wābarīgānih kū kerd ī man pad wābarīgan <ud> sahīg dārēd.* (20) *ahlāyih ābādih pahlom ast.*

(12) And about the seven undying rulers who were established in the continent of Xwanīrah; about the Fortune and great strength and goodness of the helpers, and they (are) living rulers in the two existences. (13) (And about) the ‘harm-discarding’ tree on Erānwēz and on the throne of the Friyānīyān. (14) And (about) Gōbed (who was) in the non-Iranian lands. (15) And Pišyōsn, the son of Wištāsp (was) in Kangdiz with raised banners, in which there are 10,000 *Buruwšān wearing black marten furs, Righteous ones who love the *dēn*, following Pišyōsn, the son of Wištāsp. (16) And Fradāxšt, son of Xumbīg, son of Hōšang, who is the ruler in the deep waters. (17) And Ašwazd, son of Pōrūdaxšt who is the ruler (seated) on the highest, most visible (point of the) plain of Pēšinās. (18) And Barazd the fighter. (19) ‘And the eighth famous *kay* is Wištāsp; another says it is Kay Husrōy, who will both make your Mazdayasniañ *dēn* go forth and also knows it well – ‘he who gives truth to my good work’ – that is, he maintains what I have done true and right.’ (20) Righteousness is the Best Prosperity!

Edward William West, the first translator of *Dēnkard* Book 9,³⁴ contrary to his usual practice, provides no explanation for the abrupt shift in style and content in *Dēnkard* 9.16.12. Since West’s translation, the contents of the latter half of this *fragard* have been cited in reference to the Kayanids, the Young Avestan mytho-epic heroes of the *yašts*, who became kings in the national epic of Iran, the *Šāhnāme* “Book of Kings” of Ferdowsi (935–1020 C.E.).³⁵ To date, no attempt has been made to elucidate the literary structure of this *fragard* in a holistic sense, that is, recognizing that the two halves can be read as a unified exegetical narrative.

³⁴ Edward W. West, *Pahlavi Texts*, part IV: *Contents of the Nasks*, Sacred Books of the East 37 (Oxford: Oxford University Press, 1892; repr., New Delhi: Motilal Banarsidass, 1994). The only complete editions of the *Sūdgar Nask* are those of Dhanjishah Meherjibhai Madan, *The Complete Text of the Pahlavi Dinkard* (Bombay: Society for the Promotion of Researches into the Zoroastrian Religion, 1911), 787–818; Behramjee Sanjana and Peshotan Sanjana, *The Dinkard: The Original Pahlavi Text*, 19 vols. (Bombay: Dufur Ashkara Press, 1874–1928), see vol. 17, text 1–65. The only complete translations are that of West (172–226), whose paragraph numbering is used here, and that of Sanjana (vol. 17, translation 1–50).

³⁵ See Boyce, “On the Antiquity,” 65 (on *Dk.* 9.16.15); Williams, vol. 2, 240 (on *Dk.* 9.16.15); Carlo G. Cereti, “La figura del redentore futuro nei testi iranici zoroastriani: aspetti dell’evoluzione di un mito,” *AION* 55 (1995): 33–81, in particular. 42 (on *Dk.* 9.16.12–19); and Shapira, Appendix 1, 225.

ān tan wišōb hōy <rasēd> ēdōn ēyōn mēš ī dēnūdag ka ō wačēgān hē tazēd ō nazdikīh ī ān wišuftag tan tazīdan pad garān a-šādīh ō tan nigērīdan kū ān tan andar ēē nekīh būd nūn ō ēē anāgīh mad ēstēd ōšmurdan. (8) ud ka ān tan pad zīndagīh wināhgār būd abar nē padīrist ī-š andar ān zīndagīh ān [fī] hōy <f> abar pahreč ī az wināh ud warzīdan ī kirbag ō ān kan āfīāhōndīdan abāz ōgrāvēd. (9) ēn-iz kū-t zamānag ī nekīh gīšnag būd ud ān ī anāgīh drāz ast. (10) ud ēn-iz kū andar gēty marōm kē sad sāl hē zīvēd kem kū ān kē sad sāl nē zīvēd ud zīndagīh andak andak sazīhistan ud hanjaftan <ī> zīndagīh <ud> zan ud xwāstag <ud> abārīg gētyīg ādān hamīg pad ēw-bār hīstan ud ō any kas madan. (11) ud ēn-iz kū ka mardōm nihang-iz ēwarz ī pad ān ī dōstōmand ud *padyānōmand rāh rāy abar wizīrīšnīg tōšag wizīhēnd ud frāyīthā abar dārēnd ī-šān abērtar sazēd abārīg ān ī jāwēdān abāyīšnīg <ud> az-īš a-wizīrīšnīg tōšag <nē> wizīhīdan ud sāxtan abāz xwēš abar dāstan.

(1) The fifteenth *fragard*, the *Kammamaēzā*, is about how Astwihād comes to that place and person and that no one among mortals will escape him. (And) about that which the mortal body has acquired and the transient matter of mankind will not pass away. (2) And this, too, that Astwihād carries (off) all mortals by that frightening and manifest wonder. And nobody at all is saved from him except he who saves (a) soul. (3) (And) this, too, that the soul alone sees the fee and the punishment in the world of thought and (that, while) in the body, one does not see in this way. If one were to see like that in the body, then even with regard to anything too, (that is) ease and comfort of the material world, one would not even commit any sin at all, nor turn away from good work in the first place. (4) And about how ugly and frightening men's bodies are after death and how every seemly thing that had been held most dear is *transient, (5) and something too that is cast into the dirt. (And how) of the living, too, those who were closest to him have no use for him and stay away from him. (6)³³ And when, then also, the smell is in the vicinity of the body, and dogs and birds come forth to dismember the body, (how) the smell causes fear for them [the animals], like a sheep (fears) a wolf. And how they [the family] fight with the dogs and birds not to dismember the body. And how they recall those words [the *Kammamaēzā*] uttered in the world of thought and, first, *reject them, thinking that that body is alive. (7) But then, how, when they notice the smell of the decomposition of that body (comes) to them, just like when a ewe runs to its young, they (too) run to that rent body and look at that body in grievous distress recalling: 'In what goodness that body was! (But) now, to what evil it has come!' (8) And, if that body was sinful in life, about how it did not, in that life, receive that smell informing the body about staying away from sin and about doing good works, (and therefore) it falls back. (9) (And) this, too, 'your time (to enjoy) goodness was short, but that of (suffering) evil is long!' (10) And this, too, in this world, people who live a hundred years are fewer than those who do not live a hundred years, that life passes little by little, life comes to an end, (one's) wife, property, (and) other wealth in this world are all at once left behind and come to someone else. (11) And this, too, (about) when men, for the sake of even a small journey on a safe and *secure road, load dispensable provisions and take more than the maximum they need, (rather than) gathering, preparing, and bringing with them the other, indispensable provisions, those they (would) need for eternity.

³³ For a parallel to *Dk.* 9.16.6–11 in the *Pahlavi Rivāyat Accompanying the Dādestān ī dēnīg* (24.1–2), see *Appendix 2*. *Dēnkard* 9.16.6–11 also activates intertextual relationships with *Videvad* 19.33 and *Aogāmadaēcā* 19, as well as *Aogāmadaēcā* 46–47, for which see *Appendix 2*.

In discussing the Pahlavi version of the *Gāthās*, Shaul Shaked states: "One general tendency that can be detected in the translation, and especially in the exegetical glosses, is to highlight the eschatological character of the text."³⁸ This seems to be a shared concern in *Dēnkard* Book 9, as we find it expressed in all three *nasks*, though it appears to be the most pronounced in the *Sūdgar Nask*.

Individual Eschatology: Astwihād "The Bone Untier" and Death (*Dēnkard* 9.16.1–11)

With regard to individual eschatology in Zoroastrianism, the fate of a person's soul after death depends on the sum total of its thoughts, words, and deeds while alive. For the first three nights after the vital breath (Av. *uruuan-*, Pahl. *ruwān*) has left the body, the soul hovers over the pillow or bedpost, suffering a form of "separation anxiety." Various prayers for the dead finally allow the soul to depart on the dawn of the fourth day. In the other world, a person's soul is met by their *dēn* (Av. *daēnā*), a young woman or an ugly hag who arrives in a perfumed breeze or overpowering stench, based on whether one's thoughts, words, and deeds in life were on the balance good or bad. She accompanies the soul to the *činwad* bridge (Av. *cinuuatō.pərətu-*),³⁹ where the good soul's thoughts, words, and deeds will be judged by the good deities, variously including Mihr (Av. *Miθra*), Rašn (Av. *Rašnu*), Srōš (Av. *Sraoša*), Wahrām (Av. *Vərəθrayna*), and the "Good" Wāy (Av. *Vaiiu*),⁴⁰ but those of the evil soul by evil deities, including Astwihād, the "Evil" Wāy, Frazišt, Nizišt, and Xēšm (Av. *Aēšma* "Wrath").⁴¹ Those who are judged to be good cross the bridge, which becomes as wide as it is long, and they go on to *garōdmān* (OAv. *garō.dāmāna-*, YAv. *garō.nmāna-* "The House of Songs"). When those who are judged to be evil cross the bridge, it becomes as narrow as a razor's edge, and they fall into Hell. There they will suffer until the Resurrection at the end of time, when all souls, good and evil, are reunited with their bodies

³⁸ Shaked, "The Traditional Commentary," 648.

³⁹ Commonly translated as the "Bridge of the Separator," but, according to Skjærvø, "Ford of the Accountant" (p.c.). For a discussion of the three main proposals for its etymology, see Kellens, "Yima et la mort," in *Languages and Cultures: Studies in Honor of Edgar C. Polomé*, eds. Mohammad Ali Jazayeri and Werner Winter (Berlin: Mouton de Gruyter, 1988), 329–34; repr. in Kellens, *Essays on Zoroastrianism and Zoroastrianism*, trans. and ed. Skjærvø (Costa Mesa: Mazda Publishers, 2000), 96–98.

⁴⁰ Vaiiu (Wāy), as the god of the intermediate space, is the only deity in the Zoroastrian pantheon who is ethically ambiguous, being both good and evil and representing the upper and lower atmosphere. In the Pahlavi texts we find two figures: Wāy ī weh "the good Wāy" and Wāy ī watter "the evil Wāy."

⁴¹ See *Mēnōy ī Xrad* 2.115.

As I will argue, the two halves signify the two stages of Zoroastrian eschatology, the individual and the universal.³⁶ According to the Zoroastrian worldview seen in the Pahlavi texts, the last three millennia of the world witness a gradual return to the origins, and each is heralded by one of Zarathustra's three eschatological sons – Ušēdar, Ušēdarmāh, and Sōšāns – conceived from his semen preserved in a lake. When Sōšāns is born, he and his helpers will initiate the events that will lead to the final victory of good over evil and Sōšāns will then raise the dead (Pahl. *rist-āxez*; *rist ul hangēzēnēd* in the *Dk.* text). This period will last for 57 years, at the end of which people's souls are reunited with their bodies, and a great assembly of humanity will take place. Sōšāns will perform the last sacrifice in *this* world, the world of the living (Pahl. *gētīy*) and Ohrmazd assisted by the deity Srōš performs a sacrifice in *that* world, the world of thought (Pahl. *mēnōy*). This act of doubled sacrifice will banish evil from the good creation forever, producing the Final Body (*tan ī pasēn*) of the world, which is permanent and will no longer need regenerating, and bring about the *Frašgird* (Av. *frašō.karēti*), loosely rendered as "Renovation," the final and permanent renewal of Ohrmazd's original creation.

Shaul Shaked suggests the following typology for Zoroastrian eschatology:

The subject of eschatology in Iran, as it is presented in the Pahlavi texts, can be described as consisting of three distinct themes: *Individual eschatology*, which deals with the life of the individual after death, individual judgment and its consequences, paradise and hell; *Apocalypse*, which describes the cataclysms leading to the end of the world and the figure of the World Revitalizer; *Universal eschatology*, which consists of the resurrection, universal judgment and the rehabilitation of the world.³⁷

³⁶ For general accounts of Zoroastrian apocalypticism and eschatology, see Robert C. Zaehner, *The Dawn and Twilight of Zoroastrianism* (London: Weidenfeld and Nicholson, 1961; repr., London: Phoenix, 2002), 302–22; Molé, *Culte, mythe, et cosmologie*; Mary Boyce, *A History of Zoroastrianism*, vol. 1: *The Early Period*, Handbuch der Orientalistik I, viii, 1, 2 (Leiden: E. J. Brill, 1975; repr. 1996 with corrections), 277–93; Hans G. Kippenberg, "Die Geschichte der mittelpersischen apokalyptischen Traditionen," *StIr* 7, 1 (1978): 49–80; Boyce, "On the Antiquity," 57–75; Anders Hultgård, "Persian Apocalypticism," in *The Encyclopedia of Apocalypticism*, vol. 1. *The Origins of Apocalypticism in Judaism and Christianity*, ed. John J. Collins (New York: Continuum, 1998), 39–83; Philip Kreyenbroek, "Millennialism and Eschatology in the Zoroastrian Tradition," in *Imagining the End: Visions of Apocalypse from the Ancient Middle East to Modern America*, eds. Abbas Amanat and Magnus Bernhardsson (London: I. B. Tauris, 2002), 33–55.

³⁷ Shaked, "Eschatology and the Goal of the Religious Life in Sasanian Zoroastrianism," in *Types of Redemption: Contributions to the Theme of the Study-Conference Held at Jerusalem 14th to 19th July 1968*, eds. R. J. Zvi Werblowsky and C. Jouco Bleeker (Leiden: Brill, 1970), 223–30, in particular, see 223–4; see also *idem*, *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: School of Oriental and African Studies, 1994), 27–51; and *idem*, "Eschatology: i. In Zoroastrianism and Zoroastrian Influence," in *EIr* 8, 6 (1998): 565–69.

During that night the soul experiences as much sorrow as in this entire existence of being alive.⁴⁵

The fact that this radical interpretation exists already in Avestan literature clearly demonstrates that such non-literal interpretations existed in the Zoroastrian interpretive tradition as early as the first half of the first millennium B.C.E., and therefore, they cannot be understood as merely late misunderstandings on the part of Pahlavi interpreters who did not understand Avestan. This same question is also found in the Pahlavi *Ardā Wirāz Nāmag* (17.4–5), where we have a reference to “Gathic words,” and, like the *Hādōxt Nask*, the question is asked with the vocative:

... *ēn ruwān ī druwandān ānōh dwārist kū ān ī ōy druwand <ī> frōd murd bālēn ān gyāw kū gyān bē šud. u-š <pad> sar ēstād ud ān gāhānīg gōwišn gōwēd kū dādār ohrmazd ō kadām zamīg šawam ud kē pad panāh gīram.*

... These souls of the wicked ran (back) to the place where (one) died, that very spot where the soul departed. And it will stand (at) the head and say those Gathic words: ‘O Ohrmazd the Creator, to which land shall I go? And with whom shall I take refuge?’

Similarly, in the Pahlavi *Mēnōy ī Xrad* (2.158–159) we find:

ud ka ān ī druwand mīrēd ēg-iš ruwān sē rōz-šabūn pad nazdikih ī kamāl ī ōy druwand dwārēd ud griyēd (159) kū ō kū šawam ud nūn kē pad panāh gīram.

And when the wicked one dies, then his soul runs about for three days and nights in the vicinity of the head of the wicked one, and weeps, (159) (saying) thus: ‘To where shall I go and now with whom shall I take refuge?’

This fear of one’s destination after death in the Pahlavi texts is intimately tied to the demon of death, Astwihād. In *Mēnōy ī Xrad* 2.117, we find: *astwihād hāmōyēn dām ōbārēd ud sagrīh nē dānēd* “Astwihād, the one who devours creatures of every kind and knows no satiety.” In the Iranian *Bundahišn* (27.44) we find:⁴⁶

astwihād wāy ī wattar kē gyān stānēd. ēiyōn gōwēd kū ka dast abar mardōm mālēd būšāsp ka-š (a)šāyag abar abganēd tab ka-š pad čašm wēnēd gyān bē zanēd u-š marg xwānēnd.

Astwihād, (i.e.) the bad Wāy (is the one) who takes the soul. As it is said: ‘When he touches a man with his hand, it is lethargy; when he casts his shadow on him, it is fever; and when he looks upon him with his eyes, he strikes the soul (gyān), and they call it death.’

whose praise am I going? [Gloss: To which place will I go? And from whom will I seek goodness?] Text modified from West and Hoshang, 295.

⁴⁵ Text and translation after Skjærvø, unpublished.

⁴⁶ See Indian *Bundahišn* 28.35 (trans. in West, *Pahlavi Texts*, part I: *The Bundahis, Bahman Yast, and Šāyast lā-šāyast*, Sacred Books of the East 5 (Oxford: Oxford University Press, 1880; repr., New Delhi: Motilal Banarsidass, 1993), 111–12.

and the material world is restored to its pristine state of existence prior to the onslaught of evil.

According to the *Sūdgar Nask*, the questions asked at the beginning of the *Kamnāmāzā Hāiti* are not Zarathustra's "poet's complaint" but rather those of the evil soul after death.⁴² This radical interpretation of the Gathic text is found already in the Young Avestan eschatological text *Hādōxt Nask* 2.19-20:

*pərəsaŋ zaraθuštrō ahurəm mazdqm
ahura mazda *mainiō spəništa
dātara gaēθanqm astuwaitinqm ašāum
yaŋ druua auua.miriieiti
kuna aētqm xšapanqm hauuō uruua vanhaite*

Zarathustra asked Ahura Mazdā:

'O Ahura Mazdā, most beneficial spirit,
maker of the living beings with bones, Orderly one!
When an Evil one dies
where does his soul dwell this night?'⁴³

*āaŋ mraoŋ ahurō mazdā
auuaða bā ašāum zaraθuštra
asne kamarədaŋ haṇduuaraiti
*kimq *gāθβitiq vacō srauuiiō
qm nāmē qm ahura mazda kuθra nāmē aieni
upa aētqm xšapanəm auuauiat ašāōiš uruua išaite
yabā vīspəm imat yaŋ juiiō anhuš*

Then Ahura Mazdā said:

'Well there, O Orderly Zarathustra,
he runs about near the head,
proclaiming the words of the *Kamnāmāzā* from the *Gāθās*:
qm nāmē qm ahura mazda kuθra nāmē aieni'⁴⁴

⁴² First suggested by West, *Contents of the Nasks*, 200, n. 1.

⁴³ See the Pahlavi version: *ēiyōn guft kū kē druwand bē mīrēd kū ōy pad ān šab ān ī xwēš ruwān wizārēd kū-š gāh kū* "As it is said: When an Evil one dies, that very night his own soul separates (from his body), where does he (go)?" Text modified from West and Dastur Hoshang, *Ardā-Virāf Nāmak: The Pahlavi Text with Transliteration and the Various Readings of Several MSS* (Bombay: Government Central Book Depot, 1874), 294-95.

⁴⁴ The quotation of the Gathic line in the Young Avestan *Hādōxt Nask* is adapted from Old Avestan and replaced with Young Avestan phonology: YAv. *nāmē* for OAv. *nāmōi*. Also, the vocative "O Ahura Mazda" is inserted. See Andrea Piras, *Hādōxt Nask 2, Il Racconto zoroastriano della Sorte dell'Anima*, Serie Orientale Roma 88 (Rome: Istituto italiano per l'Africa e l'Oriente, 2000), 118. Compare the Pahlavi version: *u-š guft ohrmazd kū ēdōn bē ahlaw zarduxšt pad nazdikīh ī kamāl ō ham-dwarēd. ān ī gāhānīg gōwišn srāyēd kū ō kadār zamīg *ōnāmēd ohrmazd kē pad niyāyišn rawam kū ō kū gyāg šawam ud *nēkih az kē xwāham*. "And Ohrmazd said: 'Thus, o Righteous Zarathustra, he runs around the vicinity of the head saying the Gathic words: 'To which land am I going O Ohrmazd? For

ing the world perfect once again and causing evil to be vanquished once and for all. They are described in the *Dādestān ī Dēnīg* (36.93) as follows:

*ka widard <ud> murd bawānd hamāg mardōmān ahlawān ud druwandān ī andar
gchān trāz *mānēnd a-margān mardōmān asō ān kē-sān astwihād pad ... ršn⁴⁹ az
pas-iš ō margih nē hāzēd.*

When all the righteous and evil men in the world have passed away and died, then those immortal and orderly men will remain whom Astwihād has come after with ... (still) he cannot lead to death.

Zoroastrian theodicy is predicated on the ontological fact of evil being vanquished at the end of time. Death, being the temporary triumph of evil over good, will consequently no longer occur at the end of time, and humanity will return to a state of existence that existed prior to the onslaught of evil upon the material world. This return to pristine origins will be initiated by the three Revitalizers, who will come in successive millennia after the death of Zarathustra. The last of the three, however, needs the assistance of the heroes of the past, who, consequently, cannot have died, but merely bided their time to be awakened for the final battle. The Pahlavi interpreters were no doubt aware of this aspect of the eschatological myth and realized it contradicted the texts on Astwihād and the inevitability of death. The two halves of this *fragard* are therefore not separate issues, or two different texts put together haphazardly, but rather, they are inextricably linked to one another in the gap-filling interpretive narrative on the *Kamnāmaēzā Hāiti*.

Compare the list of seven immortal rulers here with the corresponding list of the seven immortal rulers of Xwanīrah in the *Dādestān ī Dēnīg* (90.3):⁵⁰

- | | |
|---|---|
| (1) The "harm-discarding" tree in <i>Ērān-wēz</i> | (1) Yōšt, son of Friyān |
| (2) On the throne (gāh) of the Friyānīyān | (2) Yahmāyūšd [Av. <i>Ašəm.yahmāi.ušta</i>], son of Friyān |
| (3) Gōbed in the non-Iranian lands | (3) Fradāxšt, son of Xumbīg |
| (4) Pišyōšn, the son of Wištāsp in Kangdiz | (4) Ašwazang [Ašwazd], son of Pōrūdaxšt |
| (5) Fradāxšt, son of Xumbīg, son of Hōšang | (5) The "harm-discarding" tree |
| (6) Ašwazd, son of Pōrūdaxšt, in Pēš(i)nās | (6) Gōbed-šāh, ruler in Gōbed |
| | (7) Pišyōtan is in Kangdiz, which was built by Siyāwaxš, father of Kay Husrōy ⁵¹ |

⁴⁹ Jaafari-Dehaghi, 144 emends this unclear form (dwsšn) to *rasišn.

⁵⁰ Also compare *Bundahišn* 29.11: *awēšān-iz rāy gōwēd kē a-hōš hēnd čiyōn narsē ī wiwaghānān ud tūs ī nōdarān ud wēw ī gōdarzān bairazd ī kōxšišn-kerdār ud ašwazd ī pus ī porūdaxštān awēšān hamāg pad frašgird-kerdārīh bē ō ayārīh ī sōšāns bē rasēnd*. "About those, too, it is said that they are immortal, namely, Narsē, son of Wiwaghān; Tūs, son of Nōdar; Wēw [Pers. Gīv], son of Gōdarz; Bairazd the fighter; Ašwazd, son of Pōrūdaxšt. All those, at the time when the Renovation is to be performed, will come to aid Sōšāns" (compare Fazlollah Pakzad, *Bundahišn: Zoroastrische Kosmogonie und Kosmologie*, vol. 1: *Kritische Edition*, Ancient Iranian Studies Series 2 (Tehran: Centre for the Great Islamic Encyclopedia, 2005 [= A. P. 1384])).

In the late ninth century *Dādestān ī Dēnīg* (36.38), his function is briefly defined as: *astwihād wizārīhēd astōmandān wišōbagīh* “‘Ast-wihād’ is explained as ‘he who destroys those with bones (*ast*).’”⁴⁷ In the Avestan text, the *Aogāmadaēcā* (57–59), he claims all mortals regardless of behavior or social status:

āaṭ mraoṭ ahurō mazdā
fṛākərəstō astō.vīdōtuš ziražā apairi.atiiō
yahmaṭ haca naēciš bunjaiiāt aošaṭhatqm mašiiānqm
nōiṭ aēθrapataiiō nōiṭ daṭhupataiiō
nōiṭ sqsəuuistāi nōiṭ asəuuistāi

Thereupon spoke Ahura Mazdā:
 ‘Astō.vīdōtu has been made,
 for killing the active, the ineluctable,
 from whom no one of the perishable mortals will escape.
 Neither the priests, nor the lords of the land,
 neither the most beneficial nor the least beneficial.’⁴⁸

Essentially, the first half of the *fragard* points out the one truism of life: no one escapes death. Yet, *Dēnkard* 9.16.2 states: *ud nē bōxtēnd az-iš kas-iz bē kē ruwān bōzēd*. “And nobody at all is saved from him except he who saves (a) soul.” The only other reference to Astwihād in the *Sūdgar Nask* (*Dk.* 9.12.17) alludes to this ambiguity: *ud abar madan ī pad har zamān astwihād ō ōšōmandān kē ōš mad ēstēd <ud> kē-z nē*. “And about the coming of Astwihād in every era to mortals, to those to whom death has come (and) also to whom (it) has not.” So, there are in fact exceptions to the inviolable rule of death, and this is where the second half of our text comes into play.

Universal Eschatology: The Seven Immortal Rulers (*Dēnkard* 9.16.12–20)

I believe the hermeneutic key to unlocking the exegetical trajectory of this text, is the term *haft a-hōš xwadāy* “the seven undying rulers” in *Dēnkard* 9.16.12. The inevitability of death is contradicted in the second part of the *Sūdgar* exegesis by the introduction of the seven immortal rulers, mytho-epic heroes who lie in occultation waiting for the end of time. They will then be awakened to help Sōšāns to raise the dead and revitalize the world, mak-

⁴⁷ See Mahmoud Jaafari-Dehaghi, *Dādestān ī Dēnīg*, vol. 1: *Transcription, Translation, and Commentary*, *Studia Iranica* 20 (Paris: Association pour l’Avancement des Études Iraniques, 1998), 124, where he emends *wišōbagīh* to **wišōbāy*.

⁴⁸ See Kaikhusroo M. JamsaspAsa, *Aogāmadaēcā: A Zoroastrian Liturgy*, Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse – Sitzungsberichte 397 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1982), 70.

yimca kauuaēm pisinām
yimca kauuaēm biīaršānām
yimca kauuaēm siīānuaršānām

(the *Arənah*) which followed Kauui Kauuāta
 and Kauui Aipt.vohu,
 and Kauui Usaōan,
 and Kauui Aršna,
 and Kauui Pisinahi,
 and Kauui Biīaršan,
 and Kauui Siīānuaršan ...

The difference between the two lists of *kauuis* in Avestan is clearly alluded to by the phrase “another says” in *Dēnkard* 9.16.19. The signaling of a specific allusion by an exegete is often presented by referencing another text. For example, in *Dēnkard* 9.23.7, we find a similar phrase, *ud ān-iz ī abārīg gyāg guft ēstēd* “and that also which is said in another place [i.e., another source].” Thus, *Yašt* 13.132 has a list of eight *kauuis*, with Kauui Haosrauuh (Kay Husrōy) last. *Yašt* 19.71, on the other hand, has just seven, and Kauui Haosrauuh is only mentioned three sections later, in *Yašt* 19.74. The indeterminacy of the two lists is resolved by the Pahlavi exegetes of *Dēnkard* 9.16.19 by the reference to the eighth member of the list: Kay Wištāsp according to one source and Kay Husrōy according to another. This type of allusion is hardly unmotivated. Stephen Hinds, in his work on intertextuality in Latin literature, suggests:

Certain allusions are so constructed as to carry a kind of built-in commentary, a kind of reflexive annotation, which underlies or intensifies their demand to be interpreted as allusions.⁵³

We find two “reflexive annotations” here. These two *kays* are both significant figures in Zoroastrianism and figure prominently in both the Avestan and Pahlavi texts. Kauui Vištāspa is mentioned four times in the *Gāthās* and is a hero and champion of the *daēnā* in the *yašts*. We see for example in *Yašt* 13.99: *yō hāzušca upastaca vīsata aṣhā dāenaiiā yaṭ ahurōiš zaraθuštrōiš* “... (the one) who served as arm and support of this *dāenā*, that of Ahura Mazdā and Zarathustra.”⁵⁴ He possesses the Fortune (*x^varənah*) of the *kauuis* (*Yašt* 19.93), sacrifices to the goddesses Arəduuī Sūrā Anāhitā (*Yašt* 5.108), Druuuāspā (*Yt* 9.29) and Aši (*Yašt* 17.61), and triumphs over all his competitors.⁵⁵ By late Sasanian-early Islamic times, the term *dēn* had acquired a

⁵³ Hinds, *Allusion and Intertext*, 1.

⁵⁴ Text and translation after Skjærvø, “Zarathustra in the Avesta and in Manicheism: Irano-Manichaica IV,” in *Convegno internazionale sul tema: La Persia e l’Asia Centrale da Alessandro al X secolo (Roma, 9–12 novembre 1994)*, Atti dei Convegni Lincei 127 (Rome: Istituto italiano per il Medio ed Estremo Oriente, 1996), 597–628, in particular, 625.

⁵⁵ See Christensen, 20–23.

(7) Barazd the fighter

(8) The 'eighth' Kay Wištāsp / Husrōy

We see that the two lists do not match exactly, but in both, the most famous of the "immortal rulers" – Kay Husrōy, whose name means "the one who has good fame" – is either explicitly found at the end or implied by geneology. In *Dādestān ī Dēnīg* 90.5–6, Pišyōtan is listed last as the one who lives in the fortress of Kangdiz, which was built by Siyāwaxš, who, as the father of Kay Husrōy, is responsible for bringing his son into existence. In the *Sūdgar Nask*, Kay Husrōy is also listed, but here he is an alternative to another *kay*, that is Kay Wištāsp (*Dk.* 9.16.19): *ud haštom kay ī nāmīg wištāsp ast kē kay husrōy gōwēd kē ān ī tō dēn ī mazdēs-nān rawāgīh-iz dahēd*. "And the eighth *kay* (is) famous Wištāsp, another says it is Kay Husrōy, who will also propagate your Mazdayasnian *dēn* ..." ⁵² I believe the explanation for the specific reference to the "eighth *kay*" can be found in the numerical difference (gap) in the list of *kauuīs* in the Young Avestan hymnic literature. We find two virtually identical lists of *kauuīs* in *Yašt* 13.132 and *Yašt* 19.71:

Yašt 13.132

kauuōiš kauuātahe ašaonō frauuašīm yazamaide
kauuōiš aipivahṇuš ašaonō frauuašīm yazamaide
kauuōiš usanō ašaonō frauuašīm yazamaide
kauuōiš aršnō ašaonō frauuašīm yazamaide
kauuōiš pišinahṇō ašaonō frauuašīm yazamaide
kauuōiš biiaṛšānō ašaonō frauuašīm yazamaide
kauuōiš siiānuaršānō ašaonō frauuašīm yazamaide
kauuōiš haosrauuaṇhō ašaonō frauuašīm yazamaide

We sacrifice (to) the pre-soul of the Orderly Kauui Kauuāta.
 We sacrifice (to) the pre-soul of the Orderly Kauui Aipi.vohu.
 We sacrifice (to) the pre-soul of the Orderly Kauui Usan.
 We sacrifice (to) the pre-soul of the Orderly Kauui Aršan.
 We sacrifice (to) the pre-soul of the Orderly Kauui Pišinah.
 We sacrifice (to) the pre-soul of the Orderly Kauui Biiaṛšan.
 We sacrifice (to) the pre-soul of the Orderly Kauui Siiānuaršan.
 We sacrifice (to) the pre-soul of the Orderly Kauui Haosrauuaḥ.

Yašt 19.71

*yaṭ upaṇhacaṭ kauuaēm *kauuātēm*
yimca kauuaēm aipi.vohum
yimca kauuaēm usaḍanəm
yimca kauuaēm aršnəm

⁵¹ See West, *The Bundahis, Bahman Yast, and Shāyast lā-shāyast*, 256–57.

⁵² West took Wištāsp as a vocative and suggested this was the direct speech of Zarathustra: "And the eighth Kayān who was renowned, O Vistāsp! it is *he* whom *one* calls Kai-Khūsroi, who produces even an advance of thy religion of the Mazda-worshippers ..." (West, *Contents of the Nasks*, 203–04).

so that he would make the world vital, incorruptible, indestructible, undecaying, unrotting,
 ever-living, ever-thriving, having command at will,
 so that when the dead arise again, he will come, vivifying and free from destruction.
 (and) the world will be made vital in return.⁵⁶

Diachronic questions regarding the relationship between the *Old Avesta* and the *Young Avesta* and the presence or absence of universal eschatology in the *Gāthās* have become increasingly problematic in recent years.⁵⁷ The prevailing approach since Martin Haug, the first scholar to recognize the antiquity of the *Gāthās*, in the mid-nineteenth century has been to view the *Gāthās* as an ethical dualism with a monotheistic reform of a pre-Gathic polytheism, and to explain the polytheism of the *yašts* as a return to pagan ways after the death of the prophet.⁵⁸ A corollary to this historiographical construct has been the tendency to neatly separate the various genres of the *Avesta* in order to maintain the uniqueness of Zarathustra's ethical reform. For example, Mary Boyce, the doyenne of Zoroastrian studies in the second half of the 20th century, extolled Zarathustra's teachings as:

... a great new doctrine of immense ethical and intellectual scope; and because its basic thrust was moral, Zoroaster had a passionate concern for ultimate justice to be administered at the end of time, hence for what in Jewish studies has been termed 'apocalyptic eschatology'.⁵⁹

Boyce went on to state:

A feature of this eschatological vision which *allowed for the play of lesser imaginations* [my italics] was the concept of the 'comrades' of the Saošyant. Astvaṛəta himself is yet unborn; but among his comrades, in the developed tradition, are heroes of old who will return to aid the Iranian peoples at the end of time, as they had done in the past. This development involved adapting old tales of tribal battles among Iranians themselves, as recorded in the Avestan *yašts*, to the later conditions of an imperial people, when Iranians were matched against foreign foes – Greeks, Romans, Turks and eventually Arabs. Through this process the originally cosmic apocalyptic developed a patriotic character, and came to partake of the nature of 'political prophecy', though never losing its dominant religious and moral elements.⁶⁰

⁵⁶ Compare Almut Hintze, *Der Zamyād-Yašt: Edition, Übersetzung, Kommentar* (Wiesbaden: Ludwig Reichert Verlag, 1994).

⁵⁷ For a discussion of universal eschatology in the *Gāthās*, see most recently Kellens, *La quatrième naissance de Zarathushtra* (Paris: Editions du Seuil, 2006), 127–32.

⁵⁸ For a discussion of these issues, see Anders Hultgård, "The Study of the Avesta and its Religion Around the Year 1900 and Today," in *Man, Meaning, and Mystery: 100 Years of History of Religions in Norway: The Heritage of W. Bede Kristensen*, ed. Sigurd Hjelde (Leiden: Brill, 2000), 82–88.

⁵⁹ Boyce, "On the Antiquity," 57.

⁶⁰ *Ibid.*, 59.

meaning close to "Religion" and Wištāsp is henceforth represented as the first royal champion of Zarathustra's new religion at the beginning of the Zoroastrian Age. This is what is probably being referred to by the phrase "who will make your Mazdayasnian *dēn* go forth" in the *Sūdgar* commentary. The text immediately suggests that it is in fact Kay Husrōy who will do just that. Kay Husrōy is a key figure in Zoroastrian eschatology, because he is the one who rouses the other helpers at the end of time to aid the Revitalizer. His eschatological importance is therefore predicated on his immortal status, as stated in the *Dēnkard* (7.1.40):

*abāyišnīgih ī pad frašgird abzārīh rāy pad *nimēz ī az ān waxš ēwarzīd ō rāzīg gyāg kū padīš a-marg dāštār tan tā frašgird pad dādār kām.*

Because he [Kay Husrōy] was needed as an instrument for the Renovation, by the *order of that Word, he was conveyed to a secret place for his body to be kept there immortal until the Renovation, as willed by the Creator.

And we find in the *Mēnōy ī Xrad* (27.59–63):

ud az husrōy sūd ēn būd ēiyōn ōzadan ī frāsyāg ud kandan ī uzdešzār ī pad war ī ēēcast ud winnārdan ī kangdiz ud rist-ārāstār sōšāns ī pērōzgar rist-āxēzišnīh ī pad tan ī pasēn ayārīh ī ōy rāy weh tuwān kerdan.

And the benefit from Kay Husrōy was this: e.g., the killing of Frāsyāg [Pers. Afrāsīyāb], the razing of the idol-temples which were on (the shore of) Lake Čēcast [Av. *caēcasta*], and the arranging of Kangdiz. And he is able to do good by his helping the restorer of the dead, the victorious Sōšāns with the Resurrection of the dead at the Final Body.

Kay Husrōy's role as this "instrument" for the Renovation is also mentioned in *Dēnkard* 7.10.10:

rašiñ ī kay husrōy u-š hamhāgān ō ayārīh <I> sōšāns pad frašgird-kerdārīh ud winnārīšn ī frahist mardōm pad gāhānīg xēm ud dād.

... the arrival of Kay Husrōy and his helpers for the assistance of Sōšāns when the Renovation is to be performed, and the arrangement of the best [lit. "most"] of men through Gathic character and the Law.

This concept of these eschatological "helpers" goes back to the *Avesta*, where it can be seen, for example, in *Yašt* 19.88–89:

*uyrām kauuaēm x^a arənō mazdadātām yazamaide ...
(89) yaṭ upaṇhacaṭ saosiiaṇtām vərəθrājanām uta aniiāsciṭ haxaiiō
yaṭ kərənauuāt frašām ahūm azaršəntām amaršəntām
afriiiaṇtām apuiiaṇtām yauiuāējīm yauiuāēsūm vasō.xsaθrəm
yaṭ īrista paiti usahištāt jasāt juuiiō amərəxtiš
dabaite frašām vasma aṇhuš*

We sacrifice to the strong Fortune of the *kauuis* made by Mazdā ... which followed the obstruction-smashing Revitalizer, as well as the other companions,

(Avestan-Pahlavi and Pahlavi-Persian) and synchronic (inner-Avestan, inner-Pahlavi, and inner-Persian) approaches are needed.

The variety of discursive and interpretive practices used in Rabbinics seems to me to be the most productive ground for developing these much needed reading strategies. My reading and interpretation of this *fragard* is a first step towards a more nuanced understanding of Zoroastrian hermeneutics and since no conceptual language exists for adequately characterizing Zoroastrian interpretive discourse, I have looked to Rabbinics for inspiration, particularly the “midrash-theory connection,” to quote David Stern. The thread that ties together the various approaches to midrash is the notion that exegesis is *not* unmotivated. In attempting to motivate the variety of exegetical techniques deployed by the Zoroastrian priests, I have found intertextuality to be just as productive a reading strategy in Zoroastrian hermeneutics as David Stern has argued it is for Midrashic hermeneutics:

... [the] typical midrashic habit of viewing the Bible atemporally, of explaining Scripture through Scripture, and of connecting the most disparate and seemingly unrelated verses in order to create new and overreaching nexuses of meaning; in short, intertextuality that is elevated in midrash to the level of a virtual exegetical principle.⁶¹

This is precisely what I find in the *Sūdgar Nask* and its interpretation of the *Gāthās*. The Pahlavi interpreters supply new meanings for the Gathic source texts by associating the contents of the *Gāthās* with mytho-epic and legal-didactic cotexts. They do so by focusing attention on individual sentences, phrases, formulae, and words and use them to dilate on particular exegetical motifs in an effort to harmonize the various “genres” of the sacred corpus (*dēn*) under the rubric of the *Gāthās* themselves. My close reading of the other *fragards* of the *Sūdgar Nask*, and *Dēnkard* Book 9 as a whole, has led me to the conclusion that this type of intertextual interpretation is one of the dominant interpretive strategies underlying these expansive Pahlavi commentaries. The overt intertextuality of the *Sūdgar Nask* clearly unsettles the notion of a “plain sense” to the *Gāthās* in traditional Zoroastrian hermeneutics, an irony not lost on those who have grappled with their relentlessly allusive, severely gapped, and polysemous style.

Postscript

Since I submitted this article I have subsequently come across another text that must be mentioned. In the advice (*andarz*) text known as the *Pand-nāmag ī Zarduxštān az Čīdag Andarz ī Pōryōtkēšān* 15 (“The Advice-Book

⁶¹ David Stern, *Midrash and Theory: Ancient Jewish Exegesis and Comparative Literary Studies* (Evanston: Northwestern University Press, 1996), 29.

For Boyce, the grafting of mytho-epic materials with a “patriotic character” onto Zarathustra’s grand vision of cosmic apocalypse is, in effect, a dilution of the ethical power of his *Gāthās*. Unlike Boyce, however, the exegetes of *Dēnkard* Book 9 saw no contradictions in including both Gathic and mytho-epic texts in their eschatological narratives. By skillfully merging ancient received materials with living realities, they were able to constantly revitalize the meaning of the *Gāthās* for all time.

Conclusions and Future Prospects

Based on my reading of this *fragard*, I would suggest that the exegetical narrative of the *Sūdgar Nask* in *Dēnkard* 9.16.1–20 is made up of cotexts that are artfully woven into a new intertext. As Boyarin has argued for midrash, this “new,” densely allusive intertext simultaneously references and transforms the traditional meanings of the source text (the *Kamnāmaēzā Hāiti*), as standardized in the Pahlavi translations, and appropriates the traditional meanings of the cotexts (Avestan texts: *Videvdad*, *Hādōxt Nask*, *Aogamadaēcā*, *Fravardīn Yašt*, *Zamyād Yašt*; and Pahlavi texts: *Mēnōy ī Xrad*, *Ardā Wīrāz Nāmāg*, *Pahlavi Hādōxt Nask*, *Dādestān ī Dēnīg*, *Dēnkard* Book 7, etc) to form a new narrative that reads *both* individual eschatology – the fate of a person’s soul after death – *and* universal eschatology – the undying helpers of the Revitalizer at the end of time – into the Gathic passage, and, for that matter, into the *Gāthās* as a whole.

The text also attempts to resolve an apparent “gap” in the tradition: Astwihād claims all mortals, yet there are these undying rulers who defy the one truism of life: everybody dies. The text also resolves a second “gap” with regard to the precise number of heroes in the Avestan and Pahlavi cotexts from which it constructs its narrative. Kay Husrōy is the “reflexive annotation” used here to reiterate the reading of the end of the narrative in terms of group eschatology. I also suspect that it is Kay Husrōy who is being referred to at the beginning of the *fragard* in *Dēnkard* 9.16.2 where we find the rather cryptic statement: “And nobody at all is saved from him except he who saves (a) soul.” Rather than save a soul, Kay Husrōy assists Sōšāns to save *all* the souls of humanity.

Far from being the work of “lesser imaginations,” this *fragard* of the *Sūdgar Nask* is elegant proof of the exegetical sophistication of the Zoroastrian priests and demands that we develop equally sophisticated reading practices to understand their interpretive modes. Such reading practices would involve a dialectical process of moving between texts to identify a network of textual relations, which would then allow us to view more clearly the exegetical trajectories of individual narratives. Although I have used a synchronic literary approach here, both historicizing and diachronic

man with whom Righteousness is (and) in whose body complete-thinking [= the goddess *Ārmaiti* "humility"] is welcome. This too, that he is good about whom there is no complaint.

Appendix 2

Pahlavi Rivāyat 24.1–2

*ēn-iz paydāg kū ruwān ī ahlawān pas az ān ka gyān az tan bē šawēd ka *gurg ud rōbah ud sag ud way brīnēnd ud jōyēnd ruwān ī ahlawān ēiš-iz ī duš-xwārīh nē bawēd ud ruwān ī druwandān pas az ān ka-šān ruwān az tan bē šawēd ka-š gurg ud rōbah ud sag ud way tan brīnēnd ud jōyēnd dard-ēw ud duš-xwārīh-ēw ēdōn ōh bawēd kē wang kunēd. gōwēd kū ka hamāg dām ī ohrmazd man xward hē ēg-im ēn pādīfrāh ud anāgīh was hē ud drāyēd bē ō tan gōwēd kū tan ī duz ī druwand was xwāstag tō pad gētīy bē kerd *u-š im rōz pus ud hrād ud xwēšāwand ī tō padīš puhikārēnd ud tō pad man kē ruwān hēm *ēē ēiš-iz nēkīh nē kerd ud awēšān tō rāy ēiš-iz nēkīh nē kunēnd ud drōn-iz-ēw pad ruwān ī tō nē kunēnd ud man andar dušox andar dast ī dēwān griyā<n> hēm u-m tā tan ī pasēn ā-m anāgīh abāyēd widārdan ud tō sag ud way ud gurg ud rōbah ēdar jōyēnd u-t xwāstag ī-t kerd ā-t ēiš-iz bē ō frayād nē rasēd har kē wināh kunēd ā-š ēn pādīfrāh.*

This also (is) revealed: (for) the souls of the Righteous, after the soul departs from the body, when the wolf and fox and dog and bird rend and devour (the body), there is nothing at all of distress for the souls of the righteous. And (for) the souls of the wicked, after their souls depart from the body, when the wolf and fox and dog and bird rend and devour the body, there is thus such pain and distress that it [the soul] cries out. It says: 'If I had devoured Ohrmazd's entire creation, (even) then this punishment and affliction would be too much.' And it moans to the body, saying: 'O thieving, wicked body, you amassed great wealth in the material world, and today your sons and brothers and kinsmen are fighting over it. And you did nothing good at all for me, (I) who am your soul, and those [= relatives] do nothing at all of good for you, and they do not perform even one *drōn* (ceremony) for your soul. And I am weeping in Hell in the hands of the demons, and I must endure the affliction until the Future Body; and the dog and bird and wolf and fox devour you here. And (as for) your wealth which you amassed, then not a thing will come to your aid.' Whoever commits sin, then this (is) his punishment.⁶³

Videvdad 19.33

*yaozādāθriiō ašauua
pasca para.irisitūm daēuua druuañtō duzdāñhō
baodəm auuaba fratarəsanti
yatha maēši vāhrkauuaiti vāhrka[haca fratarəsaiti*

The Orderly one who is to be purified –
after (his) passing away the evil-doing lying *daēuuas*

⁶³ Text and translation after Williams, vol. 1, 125; and vol. 2, 51.

of Zarathustra or From Select Admonitions of the Teachers of Old”) we find it stated:

ud pad ēn and abēgumān būdan kū pad jūd az sōšāns ud ān haft kay harwēn kas āšōmand

And I have to have no doubt about these things, that, other than Sōšāns and the seven Kays, every person is mortal.

Here we find the exceptional status of the seven Kays explicitly acknowledged, thus providing a textual proof for my argument that the two halves of this *fragard* are to be read as one exegetical narrative. Astwihād comes to all mortals and no one escapes death *except* these seven (or eight) immortal Kays. The open question that this passage raises is simply: is this line specifically alluding to this *Dēnkard* narrative or to a “lost” myth in the oral tradition which is, in turn, the model on which this narrative was constructed?

Appendix 1: The Opening Line of the Kamnamaēzā Hāiti

Pahlavi Yasna 46.1: The Pahlavi Version of the Opening of the *Kamnamaēzā H.*⁶²

ō kadār zamīg ōnāmam [ohrmazd pad hāwišt] ō kē pad niyāyišn rawam [pad tis xwāst]

To which land am I going {O Ohrmazd, for a disciple}? For whose praise am I going {to ask for something}?

Dēnkard 9.39.1: The *Warštmanšr Nask* on the Opening of the *Kamnamaēzā H.*

*šāzdahom fragard kamnamēz – abar *franāstian ī ō kadār-iz-ēw hūm pad nōg xwāhišnīh ī xwarrah. ud ēn-iz kū an-hunsandihā-mān zardušt nē pad dōšīšn ī amā ka nē tō šnāyēnd xwēs ud nē ērmān ud nē hamhāg ud nē wālan ud nē sāstār ī dru-wand kē-šān ān ī dēwān yazišn kāmāgtar az ēd ī tō ēzišn ud niyāyišn.*

The sixteenth *fragard*, the *Kamnamaēzā*, is about the going forth to each and every land to seek for (the) *Xwarrah* [the Divine Fortune] again. And this too: ‘We are unhappy with you, O Zarathustra, you are not in our love, when your own do not favor you, either *Ērmān* [the Indo-Iranian god of guest-friendship], (your) companions, “the community,” or the wicked Tyrants, for whom sacrificing to demons is more to their liking than *this* your sacrifice (and) praise.’

Dēnkard 9.61.1: The *Bag Nask* on the Opening of the *Kamnamaēzā H.*

panjādahom fragard kamnamēz – abar passox ī ohrmazd ō zardušt pad ān ī-š pursīd kū ō kadār zamīg ōnāmam hād ō ānōh raftan kū mard kē ahlāyīh abāg bowandag-menišnīh pad tan mehmān. ēn-iz kū nēk ōy kē garzišn aziš nēst.

The fifteenth *fragard*, the *Kamnamaēzā*, is about Ohrmazd’s answer to Zarathustra regarding that which he asked: ‘To which land shall I go?’ That is: To go where the

⁶² The Pahlavi glosses to the Avestan text are given in { } brackets.

Bibliography

- Aberbach, Moses. *Labor, Crafts and Commerce in Ancient Israel*. Jerusalem: Magnes Press, 1994.
- Abramson, Shraga and Aleksander Marx. *Tractate 'Abodah Zarah of the Babylonian Talmud, MS*. New York: Jewish Theological Seminary of America, 1957 [Hebrew].
- Afik, Isaac. "Tefisat he-Halom Ezel Hazal." Ph.D. diss., Bar-Ilan University, 1990.
- Ahdut, Eli. "Ha-Polmos ha-Yehudi-Zoroastri ba-Talmud ha-Bavli." In *Irano-Judaica*. Vol. 4. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 1999-2000, 17-40.
- . "The Status of the Jewish Woman in Babylonia in the Talmudic Era." Ph.D. diss., Hebrew University, 1999.
- Albeck, Chanoch. *Introduction to the Talmud Babli and Yerushalmi*. Tel Aviv: Devir, 1969.
- . *Mavo la Talmudim*. Tel Aviv: Devir, 1969.
- Alexander, Elizabeth Shanks. "The Orality of Rabbinic Writing." In *The Cambridge Companion to Rabbinic Literature*. Edited by Charlotte Elisheva Fonrobert and Martin S. Jaffee. Cambridge; New York: Cambridge University Press, 2007, 8-57.
- Allen, Graham. *Intertextuality*. London: Routledge, 2000.
- 'Amar, Yosef ben Aharon, ed. *Talmud bavli menuqad al pi mesoret Teman*. 20 vols. Jerusalem: Y. Amr, 1980.
- Amouzgar, Jaleh and Ahmad Tafazzoli. *Le cinquième livre du Dēnkard: Transcription, traduction et commentaire*. Studia Iranica – Cahier 23. Paris: Association pour l'Avancement des Études Iraniques, 2000.
- Anklesaria, Tehmuras Dinshaji. *Dānāk-u Mainyō-i Khard: Pahlavi, Pazand, and Sanskrit Texts*. Bombay: Fort Printing Press, 1913.
- . *The Social Code of the Parsis in Sassanian Times or Mādīgān i Hazār Dādīstān*. Part 2. Bombay, 1912.
- Asa, Kaikhusroo M. J., Y. Mahyar Nawabi, and Mahmud Tavousi, eds. *The Pahlavi Codices and Iranian Researches 55: MS. TD2: Iranian Bundahīšn and Rivāyat-i Ēmēt-i Ašvahištān*. Part 2. Shiraz: Asia Institute of the Pahlavi University, 1979.
- Asmussen, Jes Peter. "Aēšma." *Encyclopædia Iranica* 1 (1985): 479-80.
- Avi-Yonah, Michael. *The Jews under Roman and Byzantine Rule*. Jerusalem: Magnes Press, 1984.
- Ayali, Meir. *A Nomenclature of Workers and Artisans in the Talmudic and Midrashic Literature*. Tel Aviv: Ha-Kibbutz ha-Meuhad, 2001 [Hebrew].
- Back, Michael. *Die sassanidischen Staatsinschriften: Studien zur Orthographie und Phonologie des Mittelpersischen der Inschriften zusammen mit einem etymologischen Index des mittelpersischen Wortgutes und einem Textcorpus der behandelten Inschriften*. Acta Iranica 18 – Textes et Mémoires VIII. Téhéran and Liège: Bibliothèque Pahlavi, 1978; distributed by E. J. Brill.
- Bailey, Harold W. *Zoroastrian Problems in the Ninth-Century Books*. Oxford: Clarendon Press, 1971.
- Bakhos, Carol. "Method(ological) Matters in the Study of Midrash." In *Current Trends in the Study of Midrash*. Edited by Carol Bakhos. Leiden: E. J. Brill, 2006, 161-188.

fear (his) fragrance just
like a ewe frightened by the wolf fears the wolf.⁶⁴

Pāzand-Pahlavi Aogamadaēcā 19

*ciyōn mēs ī gurgān xwēsēd kē az bōy ī gurg frāz tarsēd anōšān kē dēw ud druz hēnd
az bōy ruwān ī ōy anōšag ruwān frāz tarsēnd.*

Just as a sheep, pursued by wolves, trembles from the smell of a wolf; they who are the demons and demonesses tremble from the fragrance of the soul of him who is of immortal soul.⁶⁵

Pāzand-Pahlavi Aogamadaēcā 46–47

*ēiyōn ka pad ān rāh tōšag nē xwāhēnd ... kē az raftan ēārag nēst (47) ... pad ēk
bajās frāz šahōī tīg hamē hamē rawišnīh.*

How (is it then) that men do not desire provisions for that journey for which there is no remedy except going? (47) ... when with one exhaling (of breath), one goes forth for all eternity.⁶⁶

⁶⁴ Text and translation after Skjærvø, unpublished. See also *Wištāsp Yašt* 27 for the same simile.

⁶⁵ Text and translation after JamaspAsa, 27, 58. Pāzand is a form of late Pahlavi/early New Persian written in the Avestan alphabet, for which, see most recently Albert de Jong, "Pāzand and 'Retranscribed' Pahlavi: On the Philology and History of Late Zoroastrian Literature," in *Persian Origins: Early Judaeo-Persian and the Emergence of New Persian*, Iranica 6, ed. Ludwig Paul (Wiesbaden: Franz Steiner Verlag, 2003), 67–77.

⁶⁶ Text and translation after JamaspAsa, 34, 65. The Sanskrit version of *Aog.* 47 adds: "He who has departed with one breath, has gone forever until (the coming of) Sōšyāns" (*Aog.*, 66).

- , "The Parthian *Gōsān* and Iranian Minstrel Tradition." *Journal of the Royal Asiatic Society* (1957): 10-45.
- , "Some Remarks on the Transmission of the Kayanian Heroic Cycle." In *Serta Cantabrigiensia: Viris doctissimis clarissimisque qui a die xxi usque ad diem xxviii mensis Augusti anni MCMLIV ad XVIII Congressum Internationalem Rebus Litterisque Orientalibus Dedicatione Cantabrigiam convenerunt donum*. Wiesbaden: Franz Steiner Verlag, 1954. 45-52.
- Boyce, Mary and Firoze Kotwal. "Zoroastrian *bāj* and *drōn* [I-II]." *Bulletin of the School of African and Oriental Studies* 34 (1971): 56-73; 298-313.
- Bratke, Eduard, ed. *Das sogenannte Religionsgespräch am Hof der Sasaniden*. Leipzig: J. C. Hinrichs, 1899.
- Bregman, Marc. "An Early Fragment of Avot de Rabbi Natan from a Scroll." *Tarbiz* 52 (1983): 201-22 [Hebrew].
- Breuer, Yochanan. *The Hebrew in the Babylonian Talmud According to the Manuscripts of Tractate Pesahim*. Jerusalem: Magnes, 2002.
- Briant, Pierre. *From Cyrus to Alexander: A History of the Persian Empire*. Translated by Peter T. Daniels. Winona Lake: Eisenbrauns, 2002.
- Brockelmann, Carl. *Lexicon Syriacum*. Halle: Niemeyer, 1928.
- Brody, Robert. *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*. New Haven: Yale University Press, 1998.
- , "Sifrut Hage'onim vehateqst hatalmudi." In *Mehqerei Talmud: Talmudic Studies*. Vol. 1. Edited by Yaakov Sussman and David Rosenthal. Jerusalem: Magnes, 1990, 237-303.
- Cantera, Alberto. *Studien zur Pahlavi-Übersetzung des Avesta*. Edited by Maria Macuch. Iranica 7. Wiesbaden: Harrassowitz, 2004.
- Caquot, André. "Nouvelles inscriptions araméennes de Hatra VI." *Syria* 41 (1964): 251-72.
- Cereti, Carlo. *La letteratura Pahlavi: Introduzione ai testi con riferimenti alla storia degli studi e alla tradizione manoscritta*. Milan: Mimesis, 2001.
- , "Primary Sources for the History of Inner and Outer Iran in the Sasanian Period (Third-Seventh Centuries)." *Archivum Eurasiae Medii Aevi* 9 (1997): 17-70.
- , "La figura del redentore futuro nei testi iranici zoroastriani: Aspetti dell'evoluzione di un mito." *Annali dell'Istituto Orientale di Napoli* 55 (1995): 33-81.
- Chabot, Jean Baptiste. *Choix d'inscriptions de Palmyre*. Paris: Imprimerie Nationale – Paul Geuthner, 1922.
- , *Synodicon orientale ou recueil des synodes nestoriens*. Notices et Extraits des Manuscrits de la Bibliothèque Nationale, 37. Paris: Imprimerie Nationale, 1902.
- Chacha, Homi F. *Gajastak Abālish: Pahlavi Text with Transliteration, English Translation, Notes, and Glossary*. Bombay: Sir Jamshedji Jejeebhoy Translation Fund, 1936.
- Chaumont, Marie-Louise. "Argbed." *Encyclopædia Iranica* 2 (1987): 400.
- , "Recherches sur les institutions de l'Iran ancien et de l'Arménie." *Journal Asiatique* 250 (1962): 11-22.
- Chilton, Bruce D. *The Isaiah Targum: Introduction, Translation, Apparatus, and Notes*. Wilmington: Michael Glazier, Inc., 1987.
- Christensen, Arthur. *L'Iran sous les Sassanides*. Copenhagen: Ejnar Munksgaard, 1944.
- , *Le premier chapitre du Vendidad et l'histoire primitive des tribus iraniennes*. Det Kgl. Danske Videnskabernes Selskab, Historisk-filologiske Meddelelser, 24, 4. Copenhagen: Munksgaard, 1943.
- , *Les Kayanides*. Det Kgl. Danske Videnskabernes Selskab: Historisk-filologiske Meddelelser 19, 2. Copenhagen: Andr. Fred Høst & Søn, 1931.
- Churgin, Pinkhos. *The Targum to Hagiographa*. New York: Horev, 1945 [Hebrew].
- Clayton, Jay and Eric Rothstein, eds. *Influence and Intertextuality in Literary History*. Madison: University of Wisconsin Press, 1991.

- Bar-Asher, Moshé. "The Different Traditions of Mishnaic Hebrew." In *"Working with No Data": Semitic and Egyptian Studies Presented to Thomas O. Lambdin*. Edited by David M. Golomb. Winona Lake: Eisenbrauns, 1987, 1-38.
- Baron, Salo Wittmayer. *A Social and Religious History of the Jews*. 18 vols. New York: Columbia University Press, 1952.
- Barr, James. "The Question of Religious Influence: The Case of Zoroastrianism, Judaism and Christianity." *Journal of the American Academy of Religion* 53, no. 1 (1985): 201-35.
- Barthes, Roland. "The Death of the Author." In *Image, Music, Text*. Translated by Stephen Heath. New York: Hill and Wang, 1977.
- Bartholomae, Christian. *Altrianisches Wörterbuch*. Berlin: W. de Gruyter, 1961.
- Becker, Adam H. *The School of Nisibis and the Development of Scholastic Culture in Late Antique Mesopotamia*. Philadelphia: University of Pennsylvania Press, 2006.
- Becker, Hans-Jürgen and Peter Schäfer, eds. *Synopse zum Talmud Yerushal-mi*. Vol(s). 1-. Tübingen: Mohr Siebeck, 1991-.
- Bedjan, Paul, ed. *Acta martyrum et sanctorum syriace*. 7 vols. Vol. VII. Paris and Leipzig: Otto Harrassowitz, 1890-97. Reprint, Hildesheim: G. Olms, 1968.
- Beer, Eduard Friedrick and Moritz Abraham Levy. "Die palmyrenischen Inschriften." *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 18 (1864): 65-117.
- Beer, Moshe. "Three Seals of Jews in Babylonia and their Date." *Tarbiz* 52 (1983): 435-45.
- . *The Babylonian Exilarchate in the Arsacid and Sassanian Periods*. Tel Aviv: Devir, 1970.
- Bekker, Immanuel, and B. G. Niebuhr, eds. *Dexippi, Eumapii, Petri Patricii, Prosci, Malchi, Menandri historium quae supersunt: cum versione Latina per 10. Classenum emendata: accedunt Eclogae Photii ex Olympiodoro, Candido, Nonnoso et Theophane, et Procopii sophistae Panegyricus, graece et latine, Prisciani Panegyricus, annotationes Henr. Valesii, Labbei et Villoisonis, et indices Classeni*. Corpus Scriptorum Historiae Byzantinae, 14. Bonn: E. Weber, 1829.
- Benovitz, Moshe. "Shne anfe Nusah shel Pereq Shevu'ot Shtayyim Batra baBavli." *Sidra* 10 (1994): 5-38.
- . *Pereq shevuot shtayim batra: bavli shevuot pereq shlishi mahadurah beqortit im biur maqif*. New York; Jerusalem: The Jewish Theological Seminary of America, 2003.
- Benveniste, Émile. *Titres et noms propres en Iranien ancien*. Travaux de l'Institut d'Études Iraniennes de l'Université de la Sorbonne Nouvelle, 1. Paris: C. Klincksieck, 1966.
- Bérubé, Michael. *Rhetorical Occasions: Essays on Humans and the Humanities*. Chapel Hill: University of North Carolina Press, 2006.
- Bokser, Baruch. "Talmudic Studies." In *The State of Jewish Studies*. Edited by Shaye J. D. Cohen and Edward L. Greenstein. Detroit: Wayne State University Press, 1990, 80-112.
- Boyarín, Daniel. *Intertextuality and the Reading of Midrash*. Bloomington: Indiana University Press, 1990.
- . "Old Wine in New Bottles: Intertextuality and Midrash." *Poetics Today* 8, 3-4 (1987): 539-56.
- Boyce, Mary. *A History of Zoroastrianism*. 4 vols. Vol. I: *The Early Period*. Handbuch der Orientalistik, Abteilung I: Der Nahe und der Mittlere Osten, Band VIII: Religion, 1. Abschnitt: Religionsgeschichte des alten Orients, Lieferung II. Second Impression with Corrections. Leiden and Köln: E. J. Brill, 1989.
- . "On the Antiquity of Zoroastrian Apocalyptic." *Bulletin of the School of Oriental and African Studies* 47, 1 (1984): 57-75.
- . "Middle Persian Literature." In *Handbuch der Orientalistik*. Vol. I, 4 Band, 2 Abschnitt, Lieferung 1. Edited by B. Spuler. Leiden: E. J. Brill, 1968, 31-66.

- , "The Babylonian Talmud in its Historical Context." In *Printing the Talmud: From Bomberg to Schottenstein*. Edited by Sharon L. Mintz and Gabriel M. Goldstein. New York: Yeshiva University Museum, 2005, 19-28.
- , "The World of the 'Sabboraim': Cultural Aspects of the Post-Redactional Additions to the Bavli." In *Creation and Composition*. Edited by Jeffery L. Rubenstein. Tübingen: Mohr Siebeck, 2005, 383-415.
- , "Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity." In *Neti'ot le-David: Jubilee Volume for David Weiss Halivni*. Edited by Yaakov Elman, Ephraim Bezael Halivni, and Zvi Arie Steinfeld. Jerusalem: Orhot Press, 2004, 31-56.
- , "Order, Sequence, and Selection: The Mishnah's Anthological Choices." In *The Anthology in Jewish Literature*. Edited by David Stern. Oxford: Oxford University Press, 2004, 53-80.
- , "'Up to the Ears' in Horses' Necks: On Sasanian Agricultural Policy and Private 'Eminent Domain.'" *Jewish Studies: An Internet Journal* 3 (2004): 95-149.
- , "Marriage and Marital Property in Rabbinic and Sasanian Law." In *Rabbinic Law in the Context of Roman and Near Eastern Law*. Edited by Catherine Hezser. Tübingen: Mohr Siebeck, 2003, 227-77.
- , "Orality and the Redaction of the Babylonian Talmud." *Oral Tradition* 14 (1999): 52-99.
- , "Proper Methodology in the Study of Rabbinic Intellectual History: A Review of David Kraemer's Responses to Suffering in Classical Rabbinic Literature." *Jewish Quarterly Review* 88, 3-4 (1999): 361-86.
- , "The Small Scale of Things: The World Before the Genizah." *Proceedings of the American Academy of Jewish Research* 63 (1997-2001): 49-85.
- , "Argument for the Sake of Heaven: 'The Mind of the Talmud': A Review Essay." *Jewish Quarterly Review* 84 (1993-4): 261-82.
- , "Babylonian Baraitot in the Tosefta and the 'Dialectology' of Middle Hebrew." *AJS Review* 16 (1991): 1-29.
- , "The *Hērbedestān* in the *Hērbedestān*: Priestly Teaching from the Avesta to the Zand." In *Irano-Judaica*. Vol. 7. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Makhon Ben Zvi, forthcoming.
- , "Who are the Kings of the East and the West in Ber. 7A? Roman Religion, Syrian Gods, and Zoroastrianism in the Babylonian Talmud." In *Judaism in the Ancient World*. Edited by B. Bar-Kochba, forthcoming.
- Epstein, Yaakov N. *Grammar of Babylonian Aramaic*. Jerusalem: Magnes; Tel Aviv: Devir, 1960.
- Feldblum, Meyer S. "Professor Abraham Weiss: His Approach and Contribution to Talmudic Scholarship." In *The Abraham Weiss Jubilee Volume*. Edited by Samuel Belkin and Abraham Weiss. New York: Abraham Weiss Jubilee Committee, 1964, 7-80.
- Fonrobert, Charlotte, and Martin Jaffee, eds. *The Cambridge Companion to the Talmud and Rabbinic Literature*. Cambridge: Cambridge University Press, 2007.
- Foucault, Michel. "What Is an Author?" In *Textual Strategies: Perspectives in Post-Structuralist Criticism*. Translated and Edited by Josué V. Harari. Ithaca: Cornell University Press, 1979, 141-60. Reprinted in: Paul Rabinow, ed. *The Foucault Reader*. New York: Pantheon Books, 1984, 101-20.
- Fraade, Steven. "Interpreting Midrash I: Midrash and the History of Judaism." *Prooftexts* 7 (1987): 179-94.
- Fried, Lisbeth S. "Cyrus the Messiah? The Historical Background to Isaiah 45:1." *The Harvard Theological Review* 95, no. 4 (2002): 373-93.
- Friedlander, Ludwig. *Roman Life and Manners*. Vol. 1. New York: Routledge and K. Paul, 1968.

- Cogan, Mordechai. "Cyrus Cylinder." In *The Context of Scripture*. 3 vols. Volume II: *Monumental Inscriptions from the Biblical World*. Edited by William W. Hallo and K. Lawson Younger. Leiden and Boston: E. J. Brill, 2003, 314-16.
- Cohen, Avinoam. "Le'ofyah shel hahalakhah hasavora'it: sugyat habavli resh qiddushin umasoret hage'onim." *Dinei Israel* 24 (5769): 161-214.
- . *Ravina and Contemporary Sages: Studies in the Chronology of Late Babylonian Amoraim*. Ramat-Gan: Bar-Ilan University Press, 2001 [Hebrew].
- Cohen, Boaz. *Jewish and Roman Law: A Comparative Study*. 2 vols. New York: Jewish Theological Seminary of America, 1966.
- Cohen, Barak S. "Rav Sheshet and his Interpretive and Analytical Methodology." Ph.D. diss., Bar-Ilan University, 2003 [Hebrew].
- . "Rami bar Hama, His Analytical Methodology and Rava's Critique Thereof." MA thesis, Bar-Ilan University, 2000 [Hebrew].
- Cumont, Franz Valery Marie. *Die orientalischen Religionen im römischen Heidentum*. Reprint, Stuttgart: B. G. Teubner, 1975.
- Daryaee, Touraj. *Sasanian Persia: The Rise and Fall of an Empire*. London: I. B. Tauris, 2009.
- . "The Construction of the Past in Late Antique Persia." *Historia* 55, 4 (2006): 493-503.
- Daube, David. "Negligence in the Early Talmudic Law of Contract." Reprinted in: *Collected Works of David Daube*. Vol. 1: *Talmudic Law*. Edited by Calum M. Carmichael. Berkeley: University of California, 1992, 305-32.
- Davis, Dick. *Shahnameh: The Persian Book of Kings*. New York: Viking, 2006.
- de Goeje, Michael Jan; J. Barth; Theodor Nöldeke; P. de Jong, et al. *Annales quos scripsit Abu Djafar Mohammed ibn Djarir at-Tabari*. 15 vols. Prima Series. Vols. I-II. Leiden: E. J. Brill, 1964-1965.
- Dhabhar, Bamanji Nasarvanji. *The Epistles of Mānūshchīhar*. Bombay: Trustees of the Parsee Panchayat Funds and Properties, 1912.
- Drower, Ethel Stefana and Rudolf Macuch. *A Mandaic Dictionary*. Oxford: Clarendon Press, 1963.
- Eisenstein, Judah David. *Otzar midrashim: A Library of Two Hundred Minor Midrashim*. 2 vols. New York, 1915.
- Elman, Yaakov. "Returnable Gifts in Rabbinic and Sasanian Law." In *Irano-Judaica*. Vol. 6. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Makhon Ben Zvi, 2008, 150-95.
- . "'He in His Cloak and She in Her Cloak': Conflicting Images of Sexuality in Sasanian Mesopotamia." In *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism*. Edited by Rivka Ulmer. Lanham, MD: University Press of America, 2007, 129-64.
- . "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition." In *Cambridge Companion to the Talmud and Rabbinic Literature*. Edited by Charlotte Elisheva Fonrobert and Martin S. Jaffee. Cambridge and New York: Cambridge University Press, 2007, 165-97.
- . "Ma'aseh be-Shte'i Ayarot: Mahoza u-Pumbedita Ke-Metzayygot Shte'i Tarbuyot Hilkhatyyot." In *Torah li-Shemah: Mehqarim be-Madacei ha-Yahadut li-khvod Prof. Shamma Yehudah Friedman*. Edited by Shamma Friedman and David Golinkin. Jerusalem: Bar Ilan University Press, in association with Makhon Shechter le-Mada'ei Ha-Yahadut, 2007, 3-38.
- . "The Socioeconomics of Babylonian Heresy." *Jewish Law Association Studies* 17 (2007): 80-126.
- . "Yeshivot Bavliyyot ke-Vatei Din." In *Yeshivot u-Vatei Midrash*. Edited by Emanuel Etkes. Jerusalem: Makhon Shazar, 2006, 31-55.

- , "Mittelpersische Wörter und Sachen II." *Wiener Zeitschrift für die Kunde des Morgenlandes* 44 (1937): 52-54.
- , "Zu den iranischen Lehnwörtern im Aramaeischen." *Wiener Zeitschrift für die Kunde des Morgenlandes* 37 (1930): 195-203.
- Geller, Markham, J. "The Last Wedge." *Zeitschrift für Assyriologie und vorderasiatische Archäologie* 87 (1997): 43-96.
- Ghirshman, Roman. "La ceinture en Iran." *Iranica Antiqua* 14 (1979): 167-96.
- Gignoux, Philippe. "Dēnkard." *Encyclopædia Iranica* 7, 3 (1994): 284-89.
- , *Glossaire des inscriptions Pehlevies et Parthes*. Corpus Inscriptionum Iranicarum – Supplementary Series, 1. London: Lund, Humphries & Co. Ltd., 1972.
- , "La controverse dans le Mazdéisme tardif." In *La controverse religieuse et ses formes*. Edited by Alain Le Boulluec. Paris: Du Cerf, 1995, 127-49.
- , *Le livre d'Ardā Vīrāz: Translittération, transcription et traduction du texte pehlevi*. Institut Français d'Iranologie de Téhéran – Bibliothèque Iranienne, No. 30. Éditions Recherche sur les Civilisations – Cahier No. 14. Paris: ADPF, 1984.
- , "L'organisation administrative sasanide: le cas du marzbān." *Jerusalem Studies in Arabic and Islam* 4 (1984): 1-29.
- , "Pour une esquisse des fonctions religieuses sous les Sasanides." *Jerusalem Studies in Arabic and Islam* 7 (1986): 93-108.
- , "Problèmes de distinction et de priorité de sources." In *Prolegomena to the Sources on the History of the Pre-Islamic Central Asia*. Edited by János Harmatta. Collection of the Sources of the History of Pre-Islamic Central Asia. Budapest: Akadémiai Kiadó, 1979, 137-41.
- Ginzberg, Louis. "Asmodeus." In *The Jewish Encyclopedia*. Vol. II. Edited by Isidore Singer. New York: Funk and Wagnells, 1902, 217-20.
- , *A Commentary on the Palestinian Talmud*. Vol. I. New York: Jewish Theological Seminary of America, 1971.
- , *The Legends of the Jews*. Vol. VI: *From Moses to Esther*. Philadelphia: The Jewish Publication Society of America, 1928.
- , *Yerushalmi Fragments from the Genizah*. New York: Jewish Theological Seminary of America, 1909.
- Ginsburger, Moses. *Pseudo-Jonathan*. Berlin: S. Calvary, 1903.
- Gnoli, Tommaso. *The Interplay of Roman and Iranian Titles in the Roman East*. Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2007.
- Goldberg, Abraham. "The Babylonian Talmud." In *The Literature of the Sages*. Edited by Shmuel Safrai, Zeev Safrai, Joshua Schwartz, and Peter J. Tomson. Assen: Van Gorcum; Philadelphia: Fortress, 1987, 323-45.
- Goldschmidt, Lazarus. *Der babylonische Talmud: Text und Übersetzung: Nach der ersten zensurfreien Ausgabe unter Berücksichtigung der neueren Ausgaben und handschriftlichen Materials*. 9 vols. Berlin: Biblion Verlag, 1929-1936.
- Goldziher, Ignaz. "Islamisme et parsisme." In *Actes du 1^{er} Congrès International d'Histoire des Religions réuni à Paris du 3 au 8 septembre 1900 à l'occasion de l'Exposition Universelle*. Paris: E. Leroux, 1901-02, 119-47.
- Goodblatt, David. "The Babylonian Talmud." In *Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der Neueren Forschung*. Vol. II: *Principat*, 19, 2. Edited by Hildegard Temporini and Wolfgang Haase. Berlin and New York: Walter de Gruyter, 1979, 257-336. Reprinted in: Jacob Neusner, ed., *The Study of Ancient Judaism*. Vol. 2. New York: Ktav, 1981, 120-99.
- , "The Poll Tax in Sasanian Babylonia: The Talmudic Evidence." *Journal of the Economic and Social History of the Orient* 22 (1979): 233-295.

- Friedman, Shamma Yehudah. "Variant Readings in the Babylonian Talmud: A Methodological Study Marking the Appearance of 13 Volumes of the Institute for the Complete Israeli Talmud's Edition." *Tarbiz* 68 (5759): 129-62.
- . "The Transmission of the Talmud and the Computer Age." In *Printing the Talmud: From Bomberg to Schottenstein*. Edited by Sharon L. Mintz and Gabriel M. Goldstein. New York: Yeshiva University Museum, 2005. 143-55.
- . ed. *Hamesh sugyot min ha-talmud ha-bavli*. Jerusalem: Society for the Interpretation of the Talmud, 2002.
- . "Le'ilan-Hayuhasin shel Nushe Bava Meši'a." *Mehqarim Besifrut Hatalmudit: Yom hyun le-Regel Melo't Shemonim Shanah le-Sha'ul Lieberman*. Jerusalem: Israel Academy of Sciences and Humanities, 5743.
- . "The Manuscripts of the Babylonian Talmud: A Typology Based on Orthographic and Linguistic Features." In *Studies in Hebrew and Jewish Languages Presented to Shelomo Morag*. Edited by M. Bar Asher. Jerusalem: Bialik Institute, 1996, 163-90 [Hebrew].
- . *Talmud Arukh: BT Bava Mezi'a VI: Critical Edition with Comprehensive Commentary, Text Volume*. New York; Jerusalem: Jewish Theological Seminary of America, 1996.
- . "An Ancient Scroll Fragment (B. Hullin 101a-105a) and the Rediscovery of the Babylonian Branch of Tannaitic Hebrew." *Jewish Quarterly Review* 86 (1995): 9-50.
- . "A Typology of the Manuscripts of the Babylonian Talmud Based on Orthographic and Linguistic Features." *Leshonenu* 57 (1992-3): 123-24 [Hebrew].
- . "Avodah Zara, Cod. JTS: A Manuscript Copied in Two Stages." *Leshonenu* 56 (1992): 371-374.
- . "Pereq ha-Ishah Rabbah Ba-Bavli." In *Mehqarim u-Meqorot*. Edited by Haim Dimitrovski. New York: Jewish Theological Seminary of America, 1977, 283-321.
- . *Bavli gittin pereq ha-megaresh: mahadurah u-parshanut*. Jerusalem: The Society for the Interpretation of the Talmud, forthcoming.
- Friedman, Shamma and David Golinkin, eds. *Torah li-Shemah: Mehqarim be-Madacei ha-Yahadut li-khvod Prof. Shamma Yehudah Friedman*. Jerusalem: Bar-Ilan University Press, in association with Makhon Shechter le-Mada'ei Ha-Yahadut, 2007.
- Friedman, Shamma, and Leib Moscovitz. "Talmud." In *The Oxford Dictionary of the Jewish Religion*. Edited by R. J. Zwi Werblowsky and Geoffrey Wigoder. New York and Oxford: Oxford University Press, 1997, 668-72.
- Frye, Richard Nelson. *The History of Ancient Iran*. Handbuch der Altertumswissenschaft, Abteilung 3, Teil 7. München: C. H. Beck'sche Verlagsbuchhandlung, 1984.
- Funk, Salomon. "Beiträge zur Geschichte Persiens zur Zeit der Sasaniden." In *Festschrift Adolf Schwarz*. Edited by Victor Aptowitzer and Samuel Krauss. Berlin & Wien: R. Löwit Verlag, 1917, 425-36.
- . *Die Juden in Babylonien 200-500*. Berlin: M. Poppelauer, 1902.
- Gafni, Isaiah. "The Political, Social, and Economic History of Babylonian Jewry." In *Cambridge History of Judaism*. Vol. 4: *The Late Roman-Rabbinic Period*. Edited by Steven T. Katz. Cambridge: Cambridge University Press, 2006, 792-821.
- . "Babylonian Rabbinic Culture." In *Cultures of the Jews: A New History*. Vol. I. Edited by David Biale. Schocken Books: New York, 2002, 223-65.
- . *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History*. Jerusalem: Zalman Shazar Center for Jewish History, 1990 [Hebrew].
- . *Yehude Bavel bi-tekfut ha-Talmud*. Yerushalayim: Merkaz Zalman Shazar le-toldot Yišra'el, 1990.
- Ganzfried, Shelomo. *Qitsur Shulhan 'Arukh ha-Shalem*. Jerusalem: Eshkol, 1954.
- Geiger, Bernhard. "Aus Mittelpersischen Materialien." *Archiv Orientalni* 10 (1938): 210-14.
- . "Mittelpersische Wörter und Sachen." *Wiener Zeitschrift für die Kunde des Morgenlandes* 42 (1935): 114-28.

- Harviainen, Tapani. "Diglossia in Jewish Eastern Aramaic." *Studia Orientalia* 55 (1984): 97-113.
- Havlin, Shelomoh Zalman. "Talmud bavli." In *Encyclopaedia Hebraica*. Vol. 32. Jerusalem: Encyclopaedia Publishing, 1981. 857-95.
- Haug, Martin and Edward W. West. *The Book of Arda Viraf: The Pahlavi Text Prepared by Destur Hoshangji Jamaspji Asa, Revised and Collated with further Mss. ... and with an Appendix Containing the Texts and Translations of Goshit-i Fryano and Hadokht Nask*. Bombay and London: Trübner & Co., 1872.
- Haut, Irwin H. "Some Aspects of Absolute Liability Under Jewish Law and, Particularly, Under View of Maimonides." *Dinei Israel* 15 (1989-1990): 7-61.
- Hebel, Udo J. *Intertextuality, Allusion, and Quotation: An International Bibliography of Critical Studies*. New York: Greenwood Press, 1989.
- Heinemann, Joseph. "The Nature of the Aggadah." In *Midrash and Literature*. Edited by Geoffrey H. Hartman and Sanford Budick. Translated by Marc Bregman. New Haven: Yale University Press, 1986. 41-55.
- Henning, Walter Bruno. *Selected Papers*. Vol. I. Acta Iranica 14 – Hommages et Opera Minora V. Téhéran and Liège: Bibliothèque Pahlavi, 1977, 355-57, and 573-99.
- . "Mitteliranisch." In *Handbuch der Orientalistik*. Vol. 1, 4 Band, Abschnitt 1. Edited by Bertold Spuler. Leiden; Köln: E. J. Brill, 1958, 20-130.
- . "Argi and the Tokharians." *Bulletin of the School of Oriental and African Studies* 9 (1938): 545-71.
- . "Arabisch *ḥarāḡ*." *Orientalia* 4 (1935): 291-93.
- Herman, Geoffrey. "Iranian Epic Motifs in Josephus' Antiquities (XVIII, 314-370)." *Journal of Jewish Studies* 57, 2 (2006): 245-68.
- . "Ahasuerus, the Former Stable-Master of Belshazzar, and the Wicked Alexander of Macedon: Two Parallels between the Babylonian Talmud and Persian Sources." *Association for Jewish Studies Review* 29, 2 (2005): 283-97.
- . "The Babylonian Exilarchate in the Sasanian Period." Ph.D. diss., Hebrew University, 2005 [Hebrew with English Abstract].
- . "A Prince Without a Kingdom: The Babylonian Exilarchate in the Sasanian Era." Forthcoming.
- Herzfeld, Ernst. *Paikuli: Monument and Inscription of the Early History of the Sasanian Empire*. 2 vols. Berlin: Reimer, 1924.
- . *Zoroaster and his World*. Vol. I. Princeton: Princeton University Press, 1947.
- Heszer, Catherine. "Classical Rabbinic Literature." In *The Oxford Handbook of Jewish Studies*. Edited by Martin Goodman. Oxford: Oxford University Press, 2002, 115-40.
- . "The Codification of Legal Knowledge in Late Antiquity: The Talmud Yerushalmi and Roman Law Codes." In *The Talmud Yerushalmi and Graeco-Roman Culture*. Vol. 1. Edited by Peter Schäfer. Tübingen: Mohr Siebeck, 1998, 581-641.
- . *The Social Structure of the Rabbinic Movement in Roman Palestine*. Texte und Studien zum antiken Judentum, vol. 66. Tübingen: Mohr Siebeck, 1997.
- Hinds, Stephen. *Allusion and Intertext: Dynamics of Appropriation in Roman Poetry*. Oxford: Oxford University Press, 1998.
- Hintze, Almut. *Der Zamyād-Yašt: Edition, Übersetzung, Kommentar*. Wiesbaden: Ludwig Reichert Verlag, 1994.
- Hinz, Walther. *Altiranische Funde und Forschungen*. Berlin: De Gruyter, 1969.
- Hishrik, Eliyahu Refael, ed. *Hiddushi Ha-Ramban al maaskhet Gittin*. Jerusalem: Makhon Ha-Rav Hirschler, 1995.
- Hoffmann, Georg. *Auszüge aus syrischen Akten persischer Märtyrer übersetzt und durch Untersuchungen zur historischen Topographie erläutert. Abhandlungen für die Kunde des Morgenlandes*, Band VII, Nr. 3. Leipzig: Deutsche Morgenländische Gesellschaft, 1880; distributed by F. A. Brockhaus.

- Gottwaldt, Josephus, M. E. *Hamzae Isphahanensis Annalium libri X*. 2 vols. Leipzig: Sumptibus F. C. G. Vogelii/Sumtibus editoris, 1844-1848.
- Graetz, Heinrich. *Geschichte der Juden*, Bd. 4. Leipzig: Leiner, 1908.
- Greenfield, Jonas C. "Nergol DHŠPT." In *A Green Leaf: Papers in Honour of Professor Jes P. Asmussen*. Edited by Jes Peter Asmussen. Werner Sundermann, Jacques Duchesne-Guillemin, and Faridūn Vahman. *Acta Iranica* 28 – Hommages et Opera Minora XII. Leiden: E. J. Brill, 1988, 135-144. Reprinted in: Greenfield, Jonas C., Shalom M. Paul, Michael E. Stone, and Avital Pinnick. *'Al Kanfei Yonah: Collected Studies of Jonas C. Greenfield on Semitic Philology*. Leiden: Brill, 2001, 418-26.
- . "Ratin Magosha." In *Joshua Finkel Festschrift*. Edited by Sidney B. Hoenig and Leon D. Stitskin. New York: Yeshiva University, 1974, 63-69.
- Greenfield, Jonas and Bezael Porten. *The Bisitun Inscription of Darius the Great – Aramaic Version: Text, Translation and Commentary*. *Corpus Inscriptionum Iranicarum: Part I, Volume V, Texts I*. London: Lund, Humphries & Co. Ltd., 1982.
- Grenet, Frantz. *La geste d'Ardashir fils de Pâbag: Kārnamag ī Ardaxšēr ī Pâbagān*. Die: Édition A Die, 2003.
- Grossfeld, Bernard. *The Two Targums of Esther*. Translated, with Apparatus and Notes. The Aramaic Bible 18. Edinburgh: T. & T. Clark, 1991.
- Gruenwald, Ithamar. *Rituals and Ritual Theory in Ancient Israel*. Leiden and Boston: E. J. Brill, 2003.
- Gyselen, Rika. *La géographie administrative de l'empire sassanide: Les témoignages sigillographiques*. *Res Orientales I*. Bures-sur-Yvette: GECMO, 1989.
- . *Nouveaux matériaux pour la géographie historique de l'empire sassanide: Sceaux administratifs de la Collection Ahmad Sa'edi*. *Studia Iranica – Cahier* 24. Paris: Association pour l'Avancement des Études Iraniennes, 2002.
- . *Seals and Sealings in the A. Sa'edi Collection*. *Acta Iranica* 44. Leiden: E. Peeters, 2007.
- Halivni, David Weiss. *Sources and Traditions: A Source-Critical Commentary on the Talmud*. Tractate Shabbat. Jerusalem: Jewish Theological Seminary of America, 1982. Tractates Erubin and Pesahim (Jerusalem: Jewish Theological Seminary of America, 1982); Tractate Bava Kama (Jerusalem: Magnes, 1993); Tractate Bava Mezi'a (Jerusalem: Magnes, 2003); Tractate Bava Batr (Jerusalem: Magnes, 2007).
- . "Aspects of the Formation of the Talmud." In *Creation and Composition*. Edited by Jeffery L. Rubenstein. Tübingen: Mohr Siebeck, 2005, 339-60.
- . "Iyyunim be-hithavot ha-talmud." *Sidra* 20 (5765): 69-117.
- . *Megorot u-mesorot*. 7 vols. Tel Aviv and Jerusalem: Mosad Bialik and Magnes Press, 1969-2007.
- . *Midrash, Mishnah and Gemara: The Jewish Predilection for Justified Law*. Cambridge, Mass.: Harvard University Press, 1986.
- . "Sefequei de-Gavrei." *Proceedings of the American Academy of Jewish Research* 46-47 (1980): 67-93.
- Hallebeek, Jan. "Negligence in Medieval Roman Law." In *Negligence: The Comparative Legal History of the Law of Torts*. Edited by Eltjo J. H. Schrage. Berlin: Duncker & Humblot, 2001, 73-100.
- Harnack, Dieter. "Parthische Titeln vornehmlich in den Inschriften aus Hatra." In *Geschichte Mittelasiens im Altertum*. Edited by Franz Altheim and Ruth Stiehl. Berlin: W. de Gruyter, 1970, 492-549.
- Hartmann, Udo. "Geist im Exil: Römische Philosophen am Hof der Sasaniden." In *Grenzüberschreitungen: Formen des Kontakts zwischen Orient und Okzident im Altertum*. *Oriens et Occidens: Studien zu antiken Kulturkontakten und ihrem Nachleben*, Band 3. Edited by Udo Hartmann, Andreas Luther, and Monika Schuol. Stuttgart: Franz Steiner Verlag, 2002, 123-68.

- de Jong, Albert. "Zoroastrian Religious Polemics and Their Contexts: Interconfessional Relations in the Sasanian Empire." In *Religious Polemics in Context: Papers Presented to the Second International Conference of the Leiden Institute for the Study of Religions (LISOR) Held at Leiden, 27-28 April 2000*. Edited by Theo Leonardus Hetteema, Arie van der Kooij, and Joannes A. M. Snoek. Studies in Theology and Religion, 11. Assen: Royal Van Gorcum, 2004, 48-63.
- . "Pāzand and 'Retranscribed' Pahlavi: On the Philology and History of Late Zoroastrian Literature." In *Persian Origins: Early Judaeo-Persian and the Emergence of New Persian*. Edited by Ludwig Paul. Iranica 6. Wiesbaden: Franz Steiner Verlag, 2003, 67-77.
- . "Sub Specie Maiestatis: Reflections on Sasanian Court Rituals." In *Zoroastrian Rituals in Context*. Edited by Michael Stausberg. Leiden: Brill, 2004, 345-65.
- . "Zoroastrian Self-Definition in Contact with Other Faiths." In *Irano-Judaica*. Vol. 5. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 2003, 16-26.
- . *Traditions of the Magi: Zoroastrianism in Greek and Latin Literature*. Leiden: Brill, 1997.
- Josephson, Judith. "Remarks on the Pahlavi Version of the Gathas." *Studia Iranica* 32 (2003): 7-34.
- Jost, Isaak Markus. *Geschichte des Judentums und seiner Secten*. 3 vols. Vol. II. Schriften herausgegeben vom Institut der Israelitischen Literatur, 2-4. Leipzig: Dörffling & Franke, 1857-59.
- Juusola, Hannu. *Linguistic Peculiarities in the Aramaic Magic Bowl Texts*. Helsinki: Finnish Oriental Society, 1999.
- Kalmin, Richard. "The Formation and Character of the Babylonian Talmud." In *The Cambridge History of Judaism*. Vol. 4: *The Late Roman-Rabbinic Period*. Edited by Steven T. Katz. Cambridge: Cambridge University Press, 2006, 840-76.
- . *Jewish Babylonia between Persia and Roman Palestine*. New York: Oxford University Press, 2006.
- . *The Sage in Jewish Society of Late Antiquity*. New York and London: Routledge, 1999.
- . *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*. Atlanta: Scholars Press, 1994.
- . *The Redaction of the Babylonian Talmud: Amoraic or Saboraic?* Cincinnati: Hebrew Union College Press, 1989.
- Kanga, Maneck F. "Epistle I Ch. XI of Manuṣṣīhr Yūdānmiyān." In *A Green Leaf: Papers in Honour of Professor Jes P. Asmussen*. Edited by Jes Peter Asmussen, Werner Sundermann, Jacques Duchesne-Guillemin, and Farīdūn Vahman. Acta Iranica 28 – Hommages et Opera Minora XII. Leiden: E. J. Brill, 1988, 83-91.
- Kaplan, Julius. *The Redaction of the Babylonian Talmud*. New York: Bloch Publishing, 1933.
- Kara, Yechiel. *Kitve-yad ha-temaniyim shel ha-talmud ha-bavli, meḥqarim bilshonam ha-aramit*. Jerusalem: Magnes, 1984.
- Kasovsky, Biniamin. *Thesaurus Nominum quae in Talmude Babylonico reperiuntur*. 5 vols. Jerusalem: Ministry of Education and Culture, Government of Israel; Jewish Theological Seminary of America, 1976-83 [Hebrew].
- Kasovsky, Biniamin and Chaim Yehoshua Kasovsky. *Thesaurus Talmudis: Concordantiae verborum quae in Talmude Babylonico reperiuntur*. 42 vols. Jerusalem: Ministry of Education and Culture, Government of Israel; Jewish Theological Seminary of America, 1954-89 [Hebrew].
- Kellens, Jean. *La quatrième naissance de Zarathushtra*. Paris: Éditions du Seuil, 2006.
- . "Yima et la mort." In *Languages and Cultures: Studies in Honor of Edgar C. Polomé*. Edited by Mohammad Ali Jazayeri and Werner Winter. Berlin: Mouton de Gruyter, 1988, 329-34. Reprinted in: Jean Kellens. *Essays on Zarathustra and Zoroastrianism*.

- Hoshang, Dastur and Edward W. West. *Ardā-Virāf Nāmak: The Pahlavi Text with Transliteration and the Various Readings of Several MSS.* Bombay: Government Central Book Depot, 1874.
- Hultgård, Anders. "The Study of the Avesta and its Religion Around the Year 1900 and Today." In *Man, Meaning, and Mystery. 100 Years of History of Religions in Norway: The Heritage of W. Bede Kristensen*. Edited by Sigurd Hjelde. Leiden: E. J. Brill, 2000. 82-88.
- . "Persian Apocalypticism." In *The Encyclopedia of Apocalypticism*. Vol. 1: *The Origins of Apocalypticism in Judaism and Christianity*. Edited by John J. Collins. New York: Continuum, 1998. 39-83.
- Humbach, Helmut and Josef Elfenbein, eds. and trans. *Ērbedestān: An Avesta-Pahlavi Text*. Münchener Studien zur Sprachwissenschaft, Neue Folge, Beiheft 15. Munich: R. Kitzinger, 1990.
- Humbach, Helmut with Prods Oktor Skjærvø and Josef Elfenbein. *The Gāthās of Zarathushtra and the Other Old Avestan Texts*. 2 vols. Indogermanische Bibliothek: Reihe I, Lehr- und Handbücher. Heidelberg: Carl Winter Universitätsverlag, 1991.
- Huysse, Philip. "Late Sasanian Society between Orality and Literacy." In *The Sasanian Era*. Edited by Vesta Sarkhosh Curtis and Sarah Steward. The Idea of Iran, vol. 3. London: I. B. Tauris, 2008.
- . "Sprachkontakte und Entlehnungen zwischen dem Griechisch/Lateinischen und dem Mitteliranischen." In *Grenzüberschreitungen: Formen des Kontakts zwischen Orient und Okzident im Altertum*. Edited by Monika Schuol, Udo Hartmann, and Andreas Luther. Oriens et Occidens 3. Stuttgart: Steiner, 2002. 197-234.
- . *Die dreisprachige Inschrift Šabuhrs I. an der Ka'ba-i Zardušt (ŠKZ)*. 2 vols. Corpus Inscriptionum Iranicarum, part III, vol. 1, texts I. London: School of Oriental and African Studies, 1999.
- Hyman, Aaron. *Toldoth Tannaim Ve-Amoraim*. Vol. I. Jerusalem: Kiryah Ne'emana, 1964.
- Ito, Gikyo. "On Yasna 51:16 – Referring to the Av. *magavan* and Ved. *magha(van)* – Gathic XVII." *Oriens* 23 (1987): 1-21.
- Jaafari-Dehaghi, Mahmoud. *Dādestān ī Dēnīg*. Vol. 1: *Transcription, Translation and Commentary*. Studia Iranica – Cahier 20. Paris: Association pour l'Avancement des Études Iraniques, 1998.
- Jaffee, Martin S. "Rabbinic Authorship as a Collective Enterprise." In *The Cambridge Companion to the Talmud and Rabbinic Literature*. Edited by Charlotte Elisheva Fonrobert and Martin S. Jaffee. New York and Cambridge: Cambridge University Press, 2007. 17-37.
- . *Torah in the Mouth*. Oxford: Oxford University Press, 2001.
- . "Oral Tradition in the Writings of Rabbinic Oral Torah: On Theorizing Rabbinic Oral-ity." *Oral Tradition* 14 (1999): 3-32.
- . "The Oral-Cultural Context of the Talmud Yerushalmi: Greco-Roman Rhetorical Paideia, Discipleship, and the Concept of Oral Torah." In *The Talmud Yerushalmi and Graeco-Roman Culture*. Vol. 1. Edited by Peter Schäfer. Tübingen: Mohr Siebeck, 1998. 27-61.
- JamaspAsa, Kaikhusroo M. *Aogāmadaēcā: A Zoroastrian Liturgy*. Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse – Sitzungsberichte 397. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1982.
- János, Jany. "The Jurisprudence of Sasanian Sages." *Journal Asiatique* 294 (2006): 291-323.
- Johnstone, David. *Roman Law in Context*. Cambridge: Cambridge University Press, 1999.
- Jones, Gwilym H. "Abraham and Cyrus: Type and Anti-Type?" *Vetus Testamentum* 3 (1972): 304-19.

- Shmuel Safrai, Zeev Safrai, Joshua Schwartz, and Peter J. Tomson. *Compendium rerum Iudaicarum ad Novum Testamentum – Section 2: Literature of the Jewish People in the Period of the Second Temple and the Talmud*. Assen: Van Gorcum; Philadelphia: Fortress Press, 1987, 344-66.
- Kutscher, Edward Y. "Meḥqar Diqduq Ha'aramit Shel Hatalmud Habavli." *Ishonenu* 26 (1962): 151-71.
- de Lagarde, Paul. *Semitica*. Göttingen: Dieterich, 1878.
- . *Gesammelte Abhandlungen*. Leipzig: F. A. Brockhaus, 1866.
- Landes, William and Richard Posner. *The Economic Structure of Tort Law*. Cambridge: Harvard University Press, 1987.
- Lecoq, Pierre. *Les inscriptions de la Perse achéménide: Traduit du vieux perse, de l'élamite, du babylonien et de l'araméen*. L'Aube des Peuples. Paris: Gallimard, 1997.
- Levinson, Joshua. "Literary Approaches to Midrash." In *Current Trends in the Study of Midrash*. Edited by Carol Bakhos. Leiden: E. J. Brill, 2006, 189-226.
- Levinson, Sanford and Steven Mailloux, eds. *Interpreting Law and Literature: A Hermeneutic Reader*. Evanston, Ill.: Northwestern University Press, 1991.
- Levy, Jacob. *Chaldäisches Wörterbuch über die Targumim*. Vol. II. Leipzig: Baumgärtner, 1868.
- Lewin, Benjamin. *Otzar ha-Gaonim: Thesaurus of the Gaonic responsa and Commentaries following the Order of the Talmudic Tractates*. Vol. II: *Tractate Shabbath*. Jerusalem: H. Yagshal, 1984.
- . *Iggeret R. Scherira Gaon*. Haifa: Selbstverlag des Verfassers, 1921.
- Liebermann, Saul. *Tosefta Ki-fshutah: A Comprehensive Commentary on the Tosefta*. Vols. III-V. Jerusalem: Jewish Theological Seminary of America, 1992.
- . "Emendations on the Jerushalmi." *Tarbiz* 3 (1932): 205-12.
- Lieu, Samuel N. C. *Manichaeism in Mesopotamia and the Roman East*. Leiden: E. J. Brill, 1994.
- Lightstone, Jack. *The Rhetoric of the Babylonian Talmud: Its Social Meaning and Context*. Waterloo, Ontario: Wilfrid Laurier University Press, 1994.
- Lincoln, Bruce. *Religion, Empire and Torture: The Case of Achaemenian Persia, With a Postscript on Abu Ghraib*. Chicago: The University of Chicago Press, 2007.
- Little, Lester K., ed. *Plague and the End of Antiquity. The Pandemic of 541-740*. Cambridge: Cambridge University Press, 2006.
- Lukonin, Vladimir G. "Political, Social, and Administrative Institutions: Taxes and Trade." In *The Cambridge History of Iran*. Vol. 3, 2: *The Seleucid, Parthian, and Sasanian Periods*. Edited by Ehsan Yarshater. Cambridge: Cambridge University Press, 1983, 681-746.
- MacKenzie, David Neil. *A Concise Pahlavi Dictionary*. London: Oxford University Press, 1971. Reprint. London and New York: Routledge, 2000.
- Macuch, Maria. "An Iranian Legal Term in the Babylonian Talmud and in Sasanian Jurisprudence: *dastwar(ih)*." In *Irano-Judaica*. Vol. 6. Edited by Shaul Shaked. Jerusalem: Ben Zvi Institute, 2008, 126-38.
- . "Inheritance: i. Sasanian Period." *Encyclopædia Iranica* 13 (2005): 125-31.
- . "On Middle Persian Legal Terminology." In *Middle Iranian Lexicography: Proceedings of the Conference Held in Rome, 9-11 April 2001*. Edited by Carlo G. Cereti and Mauro Maggi. Roma: Istituto italiano per l'Africa e l'Oriente, 2005, 375-86.
- . "On the Treatment of Animals in Zoroastrian Law." In *Iranica Selecta: Studies in Honour of Professor Wojciech Skalmowski on the Occasion of his Seventieth Birthday*. Edited by Alois van Tongerloo. Silk Road Studies 8. Turnhout: Brepols, 2003, 167-90.
- . "The Talmudic Expression 'Servant of the Fire' in the Light of Pahlavi Legal Sources." In *Studies in Honour of Shaul Shaked*. Jerusalem Studies in Arabic and Islam 26. Jerusalem: Magnes Press, 2002, 109-29.

- Edited and Translated by Prods Oktor Skjærvø. Costa Mesa: Mazda Publishers, 2000, 96-98.
- . "Avesta." *Encyclopædia Iranica* 3, 1 (1988): 35-54.
- . "Yasna 46, 1 et un aspect de l'idéologie politique iranienne." *Studia Iranica* 12 (1983): 143-50.
- Khaleghi-Motlagh, Djalal, ed. *Abu'l Qasem Ferdowsi: The Shahnameh (The Book of Kings)*. 8 vols. Vol. I. Persian Text Series, n.s. 1. Edited by Ehsan Yarshater. New York: Bibliotheca Persica, 1988-2007.
- . "Bahman." *Encyclopædia Iranica* 3 (1989): 489-90.
- Khurshudian, Eduard. *Die parthischen und sasanidischen Verwaltungsinstitutionen*. Jerevan: Verlag des kaukasischen Zentrums für iranische Forschungen, 1998.
- Kimelman, Reuven. "The Conflict between the Priestly Oligarchy and the Sages in the Talmudic Period (An Explication of PT Shabbat 12:3, 13c=Horayot 3:5, 48c)." *Zion* 48 (1983): 135-48 [Hebrew].
- Kingsley, Peter. "Meetings with Magi: Iranian Themes Among the Greeks, from Xanthus of Lydia to Plato's Academy." *Journal of the Royal Asiatic Society*, Third Series, 5 (1995): 173-209.
- Kippenberg, Hans G. "Die Geschichte der mittelpersischen apokalyptischen Traditionen." *Studia Iranica* 7, 1 (1978): 49-80.
- Klein, Hyman. "Gemara" and "Sebara" in Baba "Mezia" 60b-64a. Jerusalem: The Hebrew University of Jerusalem, 1978 [Hebrew].
- Kohut, Alexander. *Aruch Completum*. Vol. VI. Wien: Menorah, 1926.
- Kotwal, Firoze. *The Supplementary Texts to the Šāyast nē-Šāyast*. Historisk-filosofiske Meddelelser, 44, 2. Copenhagen: Det Kongelige Danske Videnskabernes Selskab, 1969.
- Kotwal, Firoze and Philip G. Kreyenbroek, eds. and trans. *The Hērbedestān and the Nērangestān*. Vol. 3: *Nērangestān, Fragard* 2. *Studia Iranica – Cahier* 30. Paris: Association pour l'Avancement des Études Iraniennes, 2003.
- , eds. and trans. *The Hērbedestān and the Nērangestān*. Vol. 1: *Hērbe-destān*. *Studia Iranica – Cahier* 10. Paris: Association pour l'Avancement des Études Iraniennes, 1992.
- Krauss, Samuel. *Talmudische Archäologie*. Vol. II. Reprint, Hildesheim: G. Olms, 1966.
- . *Paras ve-Romi ba-Talmud u-va-Midrashim* [Persia and Rome in the Talmud and in the Midrashic Literature]. Jerusalem: Mosad HaRav Kook, 1948.
- , ed. *Addimenta ad librum Aruch Completum Alexandri Kohut*. Vienna: Publications of the Alexander Kohut Memorial Foundation, 1937.
- . *Griechische und lateinische Lehnwörter im Talmud, Midrasch und Targum*. Vol. II. Berlin: S. Calvary, 1899.
- Kreyenbroek, Philip. "Millennialism and Eschatology in the Zoroastrian Tradition." In *Imagining the End: Visions of Apocalypse from the Ancient Middle East to Modern America*. Edited by Abbas Amanat and Magnus Bernhardsson. London: I. B. Tauris, 2002, 33-55.
- . "The Zoroastrian Tradition from an Oralist's Point of View." In *K. R. Cama Oriental Institute: Second International Congress Proceedings, 5th to 8th January, 1995*. Edited by Hormazdiar J. M. Desai and Homai N. Modi. Bombay: K. R. Cama Oriental Institute, 1996, 221-37.
- . "On the Concept of Spiritual Authority in Zoroastrianism." *Jerusalem Studies in Arabic and Islam* 17 (1994): 1-15.
- . "The Zoroastrian Priesthood after the Fall of the Sasanian Empire." In *Transition Periods in Iranian History*. Edited by Philip Gignoux. Paris: Association pour l'Avancement des Études Iraniennes, 1987, 151-66.
- Krupp, Michael. "Manuscripts of the Babylonian Talmud." In *The Literature of the Sages*. Part. 1: *Oral Torā, Halakha, Mishna, Tosefta, Talmud, External Tractates*. Edited by

- . "A Provisional Handlist of the Late E. W. West's Papers." *Journal of the Royal Asiatic Society* 1950: 59-60.
- Metzger, Bruce M. "A Greek and Aramaic Inscription Discovered at Armazi in Georgia." *Journal of Near Eastern Studies* 15 (1956): 18-26.
- Milikowsky, Chaim. "Seder Olam." In *The Literature of the Sages*. Second Part: *Midrash and Targum. Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Languages of Rabbinic Literature*. Edited by Shmuel Safrai, Zeev Safrai, Joshua Schwartz, and Peter J. Tomson. Assen: Royal Van Gorcum; Philadelphia: Fortress Press, 2006, 231-38.
- . "Review of R. Ulmer, A Synoptic Edition of Pesikta Rabbati." *Jewish Quarterly Review* 90 (1999): 139-49.
- . "The Status Quaestionis of Research in Rabbinic Literature." *Journal of Jewish Studies* 39 (1988): 201-11.
- Miller, Patricia Cox. *Dreams in Late Antiquity: Studies in the Imagination of a Culture*. Princeton: Princeton University Press, 1994.
- Mirza, Hormazdyar Kayoji. "Some words and expressions in the Datistan i Denik." In *J. M. Unvala Memorial Volume*. Edited by Jamshedi M. Unvala. Bombay: Linden House, 1964, 113-22.
- Modi, Jivanji Jamshedji. *The Religious Ceremeonies and Customs of the Parsees*. Second Edition. Bombay, 1937.
- . *Mâdigân-i-Hazâr Dâdistân: A Photozincographed Facsimile ... with an Introduction by J. J. Modi*. Poona: Trustees of the Parsee Punchayet, 1901.
- Mokhtarian, Jason Sion. "The Sages and King Shapur in Dialogue." Unpublished. Presented at a graduate student workshop on "Rabbis and Others in Conversation" at Princeton University, May 2009, forthcoming.
- Molê, Marijan. *Culte, mythe et cosmologie dans l'Iran ancien: Le problème zoroastrien et la tradition mazdêenne*. Annales du Musée Guimet, Bibliothèque d'Études 69. Paris: Presses Universitaires de France, 1963.
- Moore, Carey A. *Tobit: A New Translation with Introduction and Commentary*. New York: Doubleday, 1996.
- Morag, Shelomo. *Aramit bemasoret Teman: leshon ha-talmud ha-bavli, mavo, torat ha-hegeh, utesurat ha-po'al*. Jerusalem: Ben-Zvi Institute, 1988.
- . *Vocalised Talmudic Manuscripts in the Cambridge Geniza Collections*. Vol. 1. Cambridge: Cambridge University Press, 1988.
- Morag, Shelomo and Yechiel Kara. *Aramit bavlit bemasoret Teman: shem ha-esem*. Jerusalem: Magnes, 2002.
- Morgenstern, Matthew. "On some Non-standard Spellings in the Aramaic Magic Bowls and their Linguistic Significance." *Journal of Semitic Studies* 52, 2 (2007): 245-77.
- Morony, Michael. "Magic and Society in Late Sasanian Iraq." In *Prayer, Magic, and the Stars in the Ancient and Late Antique World*. Edited by Scott Noegel, Joel Walker, and Brannon Wheeler. University Park, Pa.: Pennsylvania State University Press, 2003, 83-107.
- . *Iraq After the Muslim Conquest*. New Jersey: Princeton University Press, 1984.
- . "Continuity and Change in the Administrative Geography of Late Sasanian and Early Islamic 'Irâq.'" *Iran* 20 (1982): 1-50.
- Moscovitz, Leib. "The Formation and Character of the Jerusalem Talmud." In *The Cambridge History of Judaism*. Vol. 4: *The Late Roman-Rabbinic Period*. Edited by Steven Katz. Cambridge: Cambridge University Press, 2006, 665-67.
- . "Designation is Significant: An Analysis of the Conceptual Sugya in BSan 47b-48b." *Association for Jewish Studies Review* 27 (2003): 227-52.
- . *Talmudic Reasoning: From Casuistics to Conceptualization*. Tübingen: Mohr Siebeck, 2002.

- , "Iranian Legal Terminology in the Babylonian Talmud in the Light of Sasanian Jurisprudence." In *Irano-Judaica*. Vol. 4. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 1999, 91-101.
- , Review of: Kotwal, Firoze and Philip G. Kreyenbroek, eds. and trans. *The Hērbedestān and the Nōrangestān*. Vol. 1: *Hērbedestān*. Studia Iranica – Cahier 10. Paris: Association pour l'Avancement des Etudes Iranienne, 1992. *Bulletin of the School of Oriental and African Studies* 58, 2 (1995): 372-5.
- , *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts im Iran: Die Rechtssammlung des Farrohmard i Wahrāmān*. Iranica 1. Wiesbaden: Harrassowitz, 1993.
- , "Ein mittelpersischer terminus technicus im syrischen Rechtskodex des Iš'ōbōxt und im sasanidischen Rechtsbuch." In *Studia Semitica necnon Iranica Rudolpho Macuch septuagenario ab amicis et discipulis dedicata*. Edited by Maria Macuch, Christa Müller-Kessler, and Bert Fragner. Wiesbaden: Harrassowitz, 1989, 149-60.
- , "Der *dastwar*, 'auctor,' im sasanidischen Zivilprozess." *Archäologische Mitteilungen aus Iran* 21 (1988): 177-88.
- , *Das sasanidische Rechtsbuch "Mātakdān i Hazār Dātistān" (Teil II). Abhandlungen für die Kunde des Morgenlandes*, Bd. 45, 1. Wiesbaden: Kommissionsverlag F. Steiner, 1981.
- , "A Pahlavi Legal Term in Jesuboxi's Corpus Iuris: *wehdāde-stān(ih)*." In *Irano-Judaica*. Vol. 7. Forthcoming.
- , "Substance and Fruit in the Sasanian Law of Property and the Babylonian Talmud." In *Proceedings of the Conference on "Talmudic Archaeology," University College London, June 22-24, 2009*. Forthcoming.
- Madan, Dhanjishah Meherjibhai. *The Complete Text of the Pahlavi Dinkard*. 2 vols. Bombay: The Society for the Promotion of Researches into the Zoroastrian Religion, 1911.
- Margaliou, George. *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*. Vol. II. London: The Trustees of the British Museum, 1965.
- Marx, Alexander. "Pereferkowitz's Edition of Berakhot." *Jewish Quarterly Review* 2 (1910-11): 279-85.
- Mazdāpur, Katāyun. *Sāyist Nāšāyist: A Pahlavi Text*. Tehran: Mo'asese-ye Muṭāle'āt va Tahqīqāt-e Farhangī, 1990.
- Meir, Ofra. *Rabbi Judah the Patriarch: Palestinian and Babylonian Portraits of a Leader*. Tel-Aviv: Hakibbutz Hameuchad, 1999 [Hebrew].
- de Menasce, Jean-Pierre. "Some Pahlavi Words in the Original and in the Syriac Translation of Išōbōxt's Corpus Iuris." In *Dr. J. M. Unvala Memorial Volume*. Edited by Jamshedji M. Unvala. Bombay: Kanga, 1964, 6-11. Reprinted in: *Études Iranienne. Studia Iranica – Cahier 3*. Paris: L'Association pour l'Avancement des Études Iranienne, 1985, 119-24.
- , "Zoroastrian Pahlavi writings." In *Cambridge History of Iran*. Vol. 3, 2: *The Seleucid, Parthian, and Sasanian Periods*. Edited by Ehsan Yarshater. Cambridge: Cambridge University Press, 1983, 1166-195.
- , "Jews and Judaism in the Third Book of the Denkart." In *K. R. Cama Oriental Institute Golden Jubilee Volume*. Bombay: K. R. Cama Oriental Institute, 1969, 45-49.
- , "Early Evidence for the Symbolic Meaning of the *kustik*." In *Sir J. J. Zarthoshti Madressa Centenary Volume*. Edited by Sir Jamsetjee Jejeebhoy Zarthoshti Madressa. Bombay: Parsi Punchayet, 1967, 9-25.
- , *Une encyclopédie mazdéenne: Le Dēnkart: Quatre conférences données à l'Université de Paris sous les auspices de la Fondation Ratanbai Katrak*. Bibliothèque de l'École des Hautes Études: Section des Sciences Religieuses, vol. 59. Paris: Presses Universitaires de France, 1958.

- Pakzad, Fazlollah. *Bundahišn: Zoroastriische Kosmogonie und Kosmologie*. Vol. 1: Kritische Edition. Ancient Iranian Studies Series 2. Tehran: Centre for the Great Islamic Encyclopedia, 2005.
- Pedersen, Niels Arne. "A Manichaean Historical Text." *Zeitschrift für Papyrologie und Epigraphik* 119 (1997): 193-201.
- Perekhanian, Anahit. *The Book of a Thousand Judgements: A Sasanian Law-book*. Translated by Nina Giarsoian. Costa Mesa: Mazda Publishers, 1997.
- . "Iranian Society and Law." In *The Cambridge History of Iran*. Vol. 3, 2: *The Seleucid, Parthian, and Sasanian Periods*. Edited by Ehsan Yarshater. Cambridge: Cambridge University Press, 1983, 627-31.
- Perles, Joseph. "Etymologische Studien zur Kunde der rabbinischen Sprache und Alterthümer." *Monatsschrift für Geschichte und Wissenschaft des Judentums* 19, 5 (1870): 210-27.
- Pines, Shlomo. "Wrath in Pahlavi, Jewish, and New Testament Sources." In *Irano-Judaica*. Vol. 1. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben Zvi Institute, 1982, 76-82.
- Piras, Andrea. *Hādōxt Nask 2: Il racconto zoroastriano della sorte dell'anima*. Serie Orientale Roma 88. Rome: Istituto Italiano per l'Africa e l'Oriente, 2000.
- Potts, Daniel T. "Cyrus the Great and the Kingdom of Anshan." In *Birth of the Persian Empire*. Edited by Vesta Sarkhosh Curtis and Sarah Stewart. The Idea of Iran, vol. 1. London: I. B. Tauris, 2005, 7-28.
- . *The Archaeology of Elam: Formation and Transformation of an Ancient Iranian State*. Cambridge World Archaeology. Cambridge: Cambridge University Press, 1999.
- Rabinovicz, Raphael. *Diqduge Soferim*. 12 vols. Munich: Heinrich Rösl, 1868-86.
- Rabinovitz, Ze'ev Wolf. *Sha'are Torath Eretz Israel*. Jerusalem: Weiss Press, 1940 [Hebrew].
- Rapaport, Samuel. *Tales and Maxims from the Midrash*. London: Routledge, 1907.
- Ratner, Baer. *Ahawah Zion We-Jeruscholaim: Varianten und Ergänzungen des Textes des Jerusalemitischen Talmuds nach alten Quellen und handschriftlichen Fragmenten ediert, mit kritischen Noten und Erläuterungen versehen – Traktat Berachot*. Wilna: Romm, 1901.
- Reichelt, Hans. "Der Frahang ioim." *Wiener Zeitschrift für die Kunde des Morgenlandes* 15 (1900): 177-213.
- Reisner, Avram I. "On the Origins of the Sugya: Tractate Shevuot of the Babylonian Talmud – Chapter One." Ph.D. diss., Jewish Theological Seminary, 1996.
- Ricouer, Paul. "Interpretive Narrative." In *Figuring the Sacred: Religion, Narrative, and Imagination*. Edited by Mark I. Wallace. Translated by David Pellauer. Minneapolis: Fortress Press, 1995.
- Roberts, Colin H. and Theodore C. Skeat. *The Birth of the Codex*. London: Oxford University Press for the British Academy, 1983.
- John C. Rolfe, ed. *Ammianus Marcellinus: History*. 3 vols. The Loeb Classical Library 300, 315, 331. Cambridge, Mass. and London: Harvard University Press, reprinted 1982, 1986, 1986.
- Rosenthal, Eliezer S. "The History of the Text and Problems of Redaction in the Study of the Babylonian Talmud." *Tarbiz* 57 (5748): 11-36 [Hebrew].
- . *The Pesahim Codex, Babylonian Talmud: The facsimile of the ca. 1447-1452 Provence [?] Manuscript Sassoon-Lunzer*. London: Valmadonna Trust Library, 1984.
- . "Le-Milon ha-Talmudi." In *Irano-Judaica*. Vol. 1. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 1982, 72-73.
- . "Rav, Ben-Ahi R. Hiyya Gam Ben-Ahoto? (Perat Ehad Letoldot Hannusah shel Habbavli)." In *H. Yalon Jubilee Volume*. Edited by Saul Lieberman and Henoah Yalon. Jerusalem: Kiryat Sefer, 1963, 281-337.

- Müller-Kessler, Christa. *Die Stellung des Koiné-Babylonisch-Aramäischen innerhalb des Aramäischen: Kontexte, Texte, Grammatik*. Habilitationsschrift: Jena, 2002.
- . *A Handbook of Magic Bowls in Koiné Babylonian Aramaic*. Forthcoming.
- Naeh, Shlomo. "The Structure and Division of Torat Kohanim (a)-Scrolls." *Tarbiz* 66 (5757): 483-515.
- Netzer, Amnon. "Some Notes on the Characterization of Cyrus the Great in Jewish and Judeo-Persian Writings." In *Hommage Universel*. 3 vols. Vol. II. Acta Iranica 2 = Commémoration Cyrus: Actes du Congrès de Shiraz 1971. Téhéran and Liège: Bibliothèque Pahlavi, 1974; distributed by E. J. Brill, 35-52.
- Neusner, Jacob. *Introduction to Rabbinic Literature*. New York: Doubleday, 1994.
- . *Judaism and Zoroastrianism at the Dusk of Late Antiquity: How Two Ancient Faiths Wrote Down their Great Traditions*. Atlanta: Scholars Press, 1993.
- . *In Search of Talmudic Biography: The Problem of the Attributed Saying*. Chico, Calif.: Scholars Press, 1984.
- , ed. *The Study of Ancient Judaism*. Vol. II. New York: KTAV, 1981.
- , ed. *The Formation of the Babylonian Talmud*. Leiden: E. J. Brill, 1970.
- . *A History of Jews in Babylonia*. 5 vols. Leiden: E. J. Brill, 1965-1970.
- . "Review of Émile Benveniste. *Titres et noms propres en Iranien ancien*. Travaux de l'Institut d'Études Iraniques de l'Université de la Sorbonne Nouvelle I. Paris: C. Klincksieck, 1966." *Journal of the American Oriental Society* 88, 2 (1968): 362.
- . "Parthian Political Ideology." *Iranica Antiqua* 3 (1963): 40-59.
- Newman, Julius. *The Agricultural Life of the Jews in Babylonia between the years 200 CE and 500 CE*. Oxford: Oxford University Press, 1932.
- Nock, Arthur Darby. "Paul and the Magus." In *The Beginnings of Christianity V*. Edited by Foakes Jackson and Kirsopp Lake. London: Macmillan & Co., 1933, 177-88. Reprinted in: Zeph Stewart, ed. *Essays on Religion and the Ancient World*. Vol. I. Oxford: Clarendon Press, 1972, 164-88.
- Nöldeke, Theodor. "Review of *Abbeloos' Acta Mar Kardaghi und Feiges Geschichte des Mär 'Abhdīsō* und seines Jüngers Mär Qardagh." *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 44 (1890): 529-35.
- . *Geschichte der Perser und Araber zur Zeit der Sasaniden*. Leiden: E. J. Brill, 1879.
- . "Zwei Völker Vorderasiens." *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 33 (1879): 157-65.
- . "Beiträge zur Kenntniss der aramäischen Dialecte." *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 24 (1870): 85-109.
- Nyberg, Henrik S. *Die Religionen des alten Iran*. Reprint, Osnabrück: O. Zeller, 1966.
- Ong, Walter. *Orality and Literacy*. London: Routledge, 1982.
- Oppenheim, A. Leo. "Mantic Dreams in the Ancient Near East." In *The Dream and Human Societies*. Edited by G. E. von Grunebaum and Roger Cailliois. Berkeley: University of California Press, 1966, 436-50.
- . "The Interpretation of Dreams in the Ancient Near East with a Translation of an Assyrian Dream-Book." *Transactions of the American Philosophical Society*, New Series, 46 (1956): 279-373.
- Orr, Mary. *Intertextuality: Debates and Contexts*. Cambridge: Polity, 2003.
- Pack, Roger, ed. *Artemidorus: The Interpretation of Dreams*. Translated by Robert J. White. Park Ridge, N.J.: Noyes Press, 1975.
- . *Artemidorus, Oneirocritica*. Leipzig: B. G. Teubner, 1963.
- Pagliaro, Antonio. "Mediopersiano *bitaxš*, armeno *hdeaxš*: ὁ ὀφθαλμός τοῦ βασιλέως," *Rivista degli Studi Orientali* 12 (1929-1930): 160-68.

- Schäfer, Peter. "Once Again the Status Quaestionis of Research in Rabbinic Literature: An Answer to Chaim Milikowsky." *Journal of Jewish Studies* 40 (1989): 89-94.
- . "Research into Rabbinic Literature: An Attempt to Define the Status Quaestionis." *Journal of Jewish Studies* 39 (1986): 139-52.
- Schäfer, Peter and Hans-Jürgen Becker, eds. *Synopse zum Talmud Yerushalmi*. Vols. 1-4. Tübingen: Mohr Siebeck, 1991-.
- Schipani, Sandro. *Responsibilita "Ex Lege Aquilae": Criteri di Imputazione e Problema della "Culpa."* Turin: C. Giapicelli Editore, 1969.
- Schippmann, Klaus. *Grundzüge der Geschichte des sasanidischen Reiches*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1990.
- Schmitt, Rüdiger. *The Bisitun Inscriptions of Darius the Great: Old Persian Text*. Edited by Harold Bailly. Corpus Inscriptionum Iranicarum, part I, volume 1, texts 1. London: School of Oriental and African Studies, 1991.
- . "Artabides/Argabides/Artakides/Arsakides bei Theophylaktos Simokattes." In *Sprachwissenschaft in Innsbruck: Arbeiten von Mitgliedern und Freunden des Instituts für Sprachwissenschaft der Universität Innsbruck aus Anlaß des fünfzigjährigen Bestehens des Instituts im Jahre 1978 und zum Gedenken an die 25. Wiederkehr des Todestages von Hermann Ammann am 12. September 1981*. Edited by Wolfgang Meid, Hermann Ölberg, and Hans Schmeja. Innsbrucker Beiträge zur Kulturwissenschaft 50. Innsbruck: AMOE, 1982, 209-12.
- Schnoll, Shifra Hanna. "Parthian Mesopotamia: Greek Cities and Jewish Settlements." Ph.D. diss., Jerusalem, 1975 [Hebrew].
- Schremer, Adiel. "Stammaitic Historiography." In *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*. Edited by Jeffrey Rubenstein. Tübingen: Mohr Siebeck, 2005, 219-35.
- . "Between Text Transmission and Text Redaction: A Different Recension of Mo'ed-Qatan from the Genizah." *Tarbiz* 61 (1991-92): 375-99 [Hebrew].
- . "The Manuscripts of Tractate Mo'ed Qatan," *Sidra* 6 (1990): 121-50 [Hebrew].
- Schulthess, Friedrich. "Aramäisches (II)." *Zeitschrift für Assyriologie* 24 (1910): 47-58.
- Schwartz, Martin. "More on *harkā* and **harkapati-*." *Bulletin of the Asia Institute* 18 (2004 [2008]): 143-45.
- . "A Note on the Term *xarāj*." *Bulletin of the Asia Institute* 17 (2003 [2007]): 26-27.
- Secunda, Samuel. "Talmudic Text and Iranian Context: On the Development of Two Talmudic Narratives." *Association for Jewish Studies Review* 33 (2009): 45-69.
- . "*Dashtanan* – 'Ki Derekh Nashim Li,' A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts." Ph.D. diss., Yeshiva University, 2007.
- Segal, Eliezer. "Stepladders and Stable Hands." *From the Sources*, available at www.ucalgary.ca. First publication: *The Jewish Free Press*, Calgary, March 2, 2006, 11.
- . *The Babylonian Esther Midrash: A Critical Commentary*. 3 vols. Atlanta: Scholars Press, 1994.
- . "The Textual Traditions of Tractate Megillah in the Babylonian Talmud." Ph.D. diss., Hebrew University, 1981 [Hebrew with English abstract].
- Shaked, Shaul. "Eschatology: i. In Zoroastrianism and Zoroastrian Influence." *Encyclopædia Iranica* 8, 6 (1998): 565-69.
- . "The Traditional Commentary on the Avesta (Zand): Translation, Interpretation, Distortion?" In *Convegno internazionale sul tema: La Persia e l'Asia Centrale da Alessandro al X secolo (Roma, 9-12 novembre 1994)*. Atti dei Convegni Lincei 127. Rome: Istituto italiano per il Medio ed Estremo Oriente, 1996, 641-56.

- Rosenthal, Franz. *A Grammar of Biblical Aramaic*. Porta Linguarum Orientalium, Neue Serie, V. Second revised edition. Wiesbaden: Otto Harrassowitz, 1963.
- Rostovtzeff, Michael I., and C. Bradford Wells. "A Parchment Contract of Loan from Dura Europus." *Yale Classical Studies* 2 (1931): 1-78.
- Röth, Ernst. *Hebräische Handschriften*. Vol. II. Verzeichnis der orientalischen Handschriften in Deutschland, Band VI, 2. Wiesbaden: Steiner Verlag, 1965.
- Rubenstein, Jeffery. "Social and Institutional Settings of Rabbinic Literature." In *The Cambridge Companion to the Talmud and Rabbinic Literature*. Edited by Charlotte Fonrobert and Martin Jaffee. New York; Cambridge: Cambridge University Press, 2007, 58-74.
- , ed. *Creation and Composition. The Contribution of the Bavli Redactors (Stammaim) to the Aggada*. Edited by Jeffery Rubenstein. Tübingen: Mohr Siebeck, 2005.
- . *The Culture of the Babylonian Talmud*. Baltimore: Johns Hopkins University Press, 2003.
- . *Talmudic Stories: Narrative Art, Composition, and Culture*. Baltimore: Johns Hopkins University Press, 1999.
- Russell, James R. "The Epic of the Pearl." *Revue des Études Arméniennes* 28 (2001-2002): 29-100.
- . "'Sleep' and 'Dreaming' in Armenian." In *Proceedings of the Fourth International Conference on Armenian Linguistics*. Edited by John A. C. Greppin. Delmar, N.Y.: Caravan Books, 1992, 147-69. Reprinted in: James R. Russell, *Armenian and Iranian Studies*. Harvard Armenian Texts and Studies, 9. Cambridge, Mass.: Department of Near Eastern Languages and Civilizations, Harvard University; Belmont, Mass.: Armenian Heritage Press, National Association for Armenian Studies and Research, 2004; distributed by Harvard University Press, 2004, 477-500.
- . "The Sage in Ancient Iranian Literature." In *The Sage in Israel and the Ancient Near East*. Edited by John G. Gammie and Leo G. Perdue. Winona Lake, Ind.: Eisenbrauns, 1990, 81-92.
- . "Sages and Scribes at the Courts of Ancient Iran." In *The Sage in Israel and the Ancient Near East*. Edited by John G. Gammie and Leo G. Perdue. Winona Lake, Ind.: Eisenbrauns, 1990, 141-46.
- . *Zoroastrianism in Armenia*. Cambridge: Harvard University Press, 1987.
- Safar, Fouad. "Ketābāt al-Ḥaṣr." *Sumer* 18 (1962): 21-64.
- Safrai, Shmuel. "The Targums as Part of Rabbinic Literature." In *The Literature of the Sages*. Second Part: *Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Languages of Rabbinic Literature*. Edited by Shmuel Safrai, Zeev Safrai, Joshua Schwartz, and Peter J. Tomson. Assen: Royal Van Gorcum; Philadelphia: Fortress Press, 2006, 243-80.
- . *In Times of Temple and Mishnah: Studies in Jewish History*. Vol. II. Jerusalem: Magnes Press, 1994.
- . "The Nesiut in the Second and Third Centuries and its Chronological Problems." *Proceedings of the Sixth World Congress of Jewish Studies*. Vol. II. Jerusalem: World Union of Jewish Studies, 1975, 51-57.
- Saller, Richard P. "Patronage and Friendship in Early Imperial Rome: Drawing the Distinction." In *Patronage in Ancient Society*. Edited by Andrew Wallace-Hadrill. London and New York: Routledge, 1990.
- Sanjana, Behramjee and Peshotan Sanjana. *The Dinkard: The Original Pahlavi Text*. 19 vols. Bombay: Dufur Ashkara Press, 1874-1928.
- Sanjana, Darab Dastur Peshotan. *Nirangistan: A Photozincographed Facsimile of a Ms. Belonging to Shams-ul-Ulama Dastur Dr. Hoshangjee Jamaspjee of Poona*. The Pahlavi Text Series, No. 1. Bombay: Trustees of the Parsee Punchayet, 1894.

- Bielmeier zum 65. Geburtstag*. Edited by Brigitte Huber, Marianne Volkart, and Paul Widmer. Haale: International Institut for Tibetan and Buddhist Studies, 2008, 533-49.
- "The *Videvdad*: Its Ritual-Mythical Significance." In *The Age of the Parthians*. The Idea of Iran, vol. 2. Edited by Vesta Sarkhosh Curtis and Sarah Stewart. London: I. B. Tauris, 2007, 105-41.
 - "The Importance of Orality for the Study of Old Iranian Literature." *Nāme-ye Irān-e Bāstān: The International Journal of Ancient Iranian Studies* 5, 1-2 (2005-6): 9-31.
 - "The Antiquity of Old Avestan." *Nāme-ye Irān-e Bāstān: The International Journal of Ancient Iranian Studies* 3, 2 (2003-4): 15-41.
 - "Truth and Deception in Ancient Iran." In *Ātaš-e Dorun: The Fire Within: Jamshid Soroush Soroushian Commemorative Volume*. 2 vols. Vol. II. Edited by Carlo G. Cereti and Farrokh Vajifdar. Bloomington, Indiana: First Books Library, 2003, 383-434.
 - "Rivals and Bad poets: The Poet's Complaint in the Old Avesta." In *Philologica et Linguistica, Historia, Pluralitas, Universitas: Festschrift für Helmut Humbach zum 80. Geburtstag am 4. Dezember 2001*. Edited by Maria Gabriela Schmidt and Walter Bisang. Trier: Wissenschaftlicher Verlag Trier, 2001, 351-76.
 - "Avestan Quotations in Old Persian?: Literary Sources of the Old Persian Inscriptions." In *Irano-Judaica*. Vol. 4. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 1999, 1-64.
 - "Zarathustra in the Avesta and in Manicheism: Irano-Manichaica IV." In *Convegno internazionale sul tema: La Persia e l'Asia Centrale da Alessandro al X secolo (Roma, 9-12 novembre 1994)*. Atti dei Convegni Lincei 127. Rome: Istituto italiano per il Medio ed Estremo Oriente, 1996, 597-628.
 - "Hymnic Composition in the Avesta." *Die Sprache* 36 (1994): 199-242.
 - "Verbal Ideograms and the Imperfect in Middle Persian and Parthian." In *Études irano-aryennes offertes à Gilbert Lazard*. Studia Iranica – Cahier 7. Edited by Charles-Henri de Fouchécour and Philippe Gignoux. Paris: L'Association pour l'Avancement des Études Iraniques, 1989, 342-45.
 - "Bag nask." *Encyclopædia Iranica* 3, 4 (1988): 400-01.
 - "Thematic and Linguistic Parallels in the Achaemenian and Sassanian Inscriptions." In *Papers in Honour of Prof. M. Boyce*. Acta Iranica 25 – Hommages et Opera Minora XI. Leiden: E. J. Brill, 1985, 593-603.
 - *Weaving Worlds of Thought: Old Iranian Cosmogony and Ritual and the Myth of the Fravashis*. Forthcoming.
- Skjærvø, Prods Oktor and Helmut Humbach. *The Sassanian Inscription of Paikuli*. 3 vols. Vol. I: *Supplement to Herzfeld's Paikuli*; vol. II: *Synoptic Tables*; vol. III:1: *Restored Text and Translation*; vol. III:2: *Commentary*. Wiesbaden: Dr. Ludwig Reichert Verlag and The Iranian Culture Foundation Tehran (Vol. I, 1978 only), 1978-83.
- Skolmowski, Wojciech. "On Middle Iranian *dstkrt(y)*." In *Medioiranica: Proceedings of the International Colloquium organized by the Katholieke Universiteit Leuven*. Edited by Wojciech Skolmowski and Alois Van Tongerloo. Leuven: Peeters, 1993, 157-62.
- Sokoloff, Michael. *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*. Dictionaries of Talmuds, Midrash, and Targum 3. Ramat-Gan: Bar Ilan University Press; Baltimore: The Johns Hopkins University Press, 2002.
- Sperber, Alexander. *The Bible in Aramaic*. Vol. IV/A: *The Hagiographa*. Leiden: E. J. Brill, 1968.
- Spicehandler, Ezra. "The Local Community in Talmudic Babylonia: Its Institutions, Leaders, and Ministrants." Ph.D. diss., Hebrew Union College, 1952.
- Stausberg, Michael. "The Significance of the *kusti*: A history of its Zoroastrian Interpretations." *East and West* 54 (2004): 9-29.
- *Die Religion Zarathushtras: Geschichte, Gegenwart, Rituale*. 3 vols. Stuttgart: Kohlhammer, 2002-2004.

- , "Jewish Sasanian Sigillography." In *Au carrefour des religions: Mélanges Philippe Gignoux*. Edited by Ryka Gyselen. Res Orientales VII. Bures-sur-Yvette: Groupe pour l'Étude de la Civilisation du Moyen-Orient, 1995, 239-56.
- , *From Zoroastrian Iran to Islam: Studies in Religious History and Intercultural Contacts*. Collected Studies Series, CS505. Aldershot: Variorum, 1995.
- , *Dualism in Transformation: Varieties of Religion in Sasanian Iran*. London: School of Oriental and African Studies, University of London, 1994.
- , "Items of Dress and Other Objects in Common Use: Iranian Loanwords in Jewish Babylonian Aramaic." In *Irano-Judaica*. Vol. 3. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 1994: 106-17.
- , "First Man, First King: Notes on Semitic-Iranian Syncretism and Iranian Mythological Transformations." In *Gilgul: Essays on Transformation, Revolution, and Permanence in the History of Religions Dedicated to R. J. Zwi Werblowsky*. Edited by Shaul Shaked, David Shulman, and Guy G. Stroumsa. Studies in the History of Religions – Supplements to *Numen*, 50. Leiden: Brill, 1987, 238-56. Reprinted in: Shaul Shaked, *From Zoroastrian Iran to Islam: Studies in Religious History and Intercultural Contacts*. Collected Studies Series, CS505. Aldershot: Variorum, 1995.
- , "Zoroastrian Polemics Against Jews." In *Irano-Judaica*. Vol. 2. Edited by Shaul Shaked and Amnon Netzer. Jerusalem: Ben-Zvi Institute, 1990, 85-104.
- , "Middle Persian Translations of the Bible." *Encyclopædia Iranica* 4, 2 (1989): 206-07.
- , "Iranian Loanwords in Middle Aramaic." *Encyclopædia Iranica* 2 (1986): 259-61.
- , "Epigraphica Judaeo-Iranica." In *Studies in Judaism and Islam Presented to S.D. Goitein*. Edited by Shelomo Morag, Issachar Ben-Ami, and Norman A. Stillman. Jerusalem: Magnes Press, 1981, 65-82.
- , ed. and trans. *The Wisdom of the Sasanian Sages (Dēnkard VI) by Aturpāt-i Ēmētān*. Persian Heritage Series, Nr. 34. Boulder, Colo.: Westview Press, 1979.
- , "Eschatology and the Goal of the Religious Life in Sasanian Zoroastrianism." In *Types of Redemption: Contributions to the Theme of the Study-Conference Held at Jerusalem 14th to 19th July 1968*. Edited by R. J. Zwi Werblowsky and C. Jouco Bleeker. Leiden: E. J. Brill, 1970, 223-30.
- Shaki, Mansour. "The Dēnkard Account of the History of the Zoroastrian Scriptures." *Archiv Orientalni* 49 (1981): 114-25.
- Shapira, Dan. "Studies in Zoroastrian Exegesis: *Zan*." Ph.D. diss., Jerusalem, 1998.
- Shapira, Hayyim. "The Deposition of Rabban Gamaliel: Between History and Legend." *Zion* 64 (1999): 5-38.
- Shayegan, M. Rahim. "On the Rationale behind the Roman Wars of Šābuhr II the Great." *Bulletin of the Asia Institute* 18 (2008): 111-33.
- , "Hazarbed." *Encyclopædia Iranica* 12 (2003): 93-95.
- , "Aspects of Early Sasanian History and Historiography." Ph.D. diss., Harvard University, 2000.
- Shemesh, Aharon. "'Shogeg Qarov le-Mezid': le-Verur Yetziraot shel ha-Musag be-Torat ha-Amora'im." *Shnaton ha-Mishpat ha-Ivri* 20 (5757): 399-428.
- Shremer, Adiel. "Between Text Transmission and Text Redaction: A Different Recension of Mo'ed-Qatan from the Genizah." *Tarbiz* 61 (1991-92): 375-99.
- , "The Manuscripts of Tractate Mo'ed Qatan." *Sidra* 6 (1990): 121-50.
- Skjærvø, Prods Oktor. "OL's News: ODs and Ends." In *Exegisti monumenta: Studies in Honour of Nicholas Sims-Williams*. Edited by Werner Sundermann, Almut Hintze, and François de Blois. Iranica 17, ser. ed. Maria Macuch. Wiesbaden: Harrassowitz Verlag, 2009, 479-96.
- , "The Story of Aži Dahāka in the 9th Book of the Dēnkard and Pahlavi āyēb 'Blaze,' 'Conflagration.'" In *Chomolangma, Demawend und Kasbek. Festschrift für Roland*

- . "Talmud, Babylonian." In *Encyclopaedia Judaica*. Second Edition. Vol. 19. Detroit: Thomson Gale, 2007.
- Watson, Alan, ed. *The Digest of Justinian*. Vol. 1. Philadelphia: University of Pennsylvania Press, 1997.
- . *The Spirit of Roman Law*. Athens, GA: University of Georgia Press, 1995.
- Weiss, Abraham. *Studies in the Literature of the Amoraim*. New York: Yeshiva University, 1962.
- West, Edward W. *Pahlavi Texts IV: Contents of the Nasks*. Sacred Books of the East 37. Oxford: Oxford University Press, 1892. Reprint, New Delhi: Motilal Banarsidass, 1994.
- . *Pahlavi Texts I: The Bundahis, Bahman Yast, and Shāyast lā-shāyast*. Sacred Books of the East 5. Oxford: Oxford University Press, 1880. Reprint, New Delhi: Motilal Banarsidass, 1993.
- . "Pahlavi Literature." In *Grundriss der iranischen Philologie*. Edited by Wilhelm Geiger and Ernst Kuhn. Berlin: de Gruyter, 1974.
- . *The Sacred Books of the East*. Vol. 18, part 2. Oxford: Clarendon Press, 1882.
- Wiesehöfer, Josef. *Ancient Persia from 550 BC to 650 AD*. Translated by Azize Azodi. London and New York: I. B. Tauris, 1996.
- Widengren, Geo. "Le symbolisme de la ceinture." *Iranica Antiqua* 8 (1968): 133-55.
- . "The Status of the Jews in the Sasanian Empire." *Iranica Antiqua* 1 (1961): 117-162.
- Williams, Alan V. *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*. 2 vols. Historisk-filosofiske Meddelelser, 60:1-2. Copenhagen: Det Kongelige Danske Videnskabskabernes Selskab, 1990.
- Yarshater, Ehsan, ed. *The Cambridge History of Iran*. vols. 3, 1-2: *The Seleucid, Parthian, and Sasanian Periods*. Cambridge: Cambridge University Press, 1983.
- . "Were the Sasanians Heirs to the Achaemenids?" In *La Persia nel Medioevo*. Accademia Nazionale dei Lincei. Problemi attuali di scienza e di cultura, quaderno n. 160. Roma: Accademia Nazionale dei Lincei, 1971, 517-31.
- Yudelewitz, Mordechai Dov. *Jewish Life in the Time of the Talmud – The book of Nehardea*. Vilna: A. S. Rosenkranz and M. Schriftsetzer, 1905. Reprint, Jerusalem: Makor, 1971.
- Zaehner, Robert C. *The Dawn and Twilight of Zoroastrianism*. London: Weidenfeld and Nicholson, 1961. Reprint, London: Phoenix, 2002.
- Zellentin, Holger M. "Late Antiquity Upside-down: Rabbinic Parodies of Jewish and Christian Literature." Ph.D. diss., Princeton University, 2007.
- Ziegler, Ignaz. *Die Königsgleichnisse des Midrasch*. Breslau: Schlesische Verlagsanstalt, 1903.

- . "The Invention of a Canon: The Case of Zoroastrianism." In *Canonization and Decanonization*. Edited by Arie van der Kooij and Karel van der Toorn. Leiden: E. J. Brill, 1998, 257-78.
- Stemberger, Günter. *Einleitung in Talmud und Midrash*. Revised edition München: C. H. Beck, 1982. Reprint, Edinburgh: T. & T. Clark, 1991.
- . *Introduction to the Talmud and Midrash*. Translated by Markus Bockmuehl. Edinburgh: T. & T. Clark, 1996.
- Stern, David. *Midrash and Theory: Ancient Jewish Exegesis and Comparative Literary Studies*. Evanston: Northwestern University Press, 1996.
- Still, Judith and Michael Worton, eds. *Intertextuality: Theories and Practices*. Manchester: Manchester University Press, 1990.
- Sundermann, Werner. "Bidaxš." *Encyclopædia Iranica* 4 (1990): 243.
- Sussmann, Yaakov. "'Torah she-be- 'Al Peh', Peshutah ke-Mashma'ah." In *Mehqarei Talmud* 3. Edited by David Rosenthal. Jerusalem: Magnes Press, 2005, 259-83.
- . "Veshuv Iirushalmi neziqin." In *Mehqarei Talmud. Talmudic Studies*. Vol. 1. Edited by Yaakov Sussmann and David Rosenthal. Jerusalem: Magnes Press, 1990, 100-14.
- Szemerényi, Oswald. "Iranica V." *Acta Iranica* 5 (1975): 362-75.
- Tabory, Joseph. "Book Review: *The Babylonian Esther Midrash: A Critical Commentary* by Eliezer Segal." *The Jewish Quarterly Review* 88, no. 1-2 (1997): 113-20.
- Taffazoli, Ahmad. *Sasanian Society: I. Warriors; II. Scribes; III. Dehqans*. Ehsan Yarshater Distinguished Lectures in Iranian Studies, No 1. New York: Bibliotheca Persica Press, 2000.
- . "Dārā(b)." *Encyclopædia Iranica* 7 (1996): 1-2.
- . "An Unrecognized Sasanian Title." *Bulletin of the Asia Institute* 4 (1990): 301-05.
- . "A Critical Edition of the Ninth Book of Dēnkard." Ph.D. diss., University of Tehran, 1966 [Persian].
- Tavadi, Jehangir, C. *Die mittelpersische Sprache und Literatur der Zarathustrier: Iranische Texte und Hilfsbücher*, Nr. 2. Leipzig: Otto Harrasowitz, 1956.
- . *Šāyast nē Šāyast: A Pahlavi Text on Religious Customs*. Edited, transliterated, and translated. Hamburg: Friederichsen, de Gruyter & Co., 1930.
- Telegdi, Zsigmond. "Essai sur la phonétique des emprunts iraniens en Araméen talmudique." *Journal Asiatique* 226 (1935): 224-56.
- Robert W. Thomson, ed. *The Armenian History Attributed to Sebeos*. Liverpool: Liverpool University Press, 1999.
- Tropper, Amram. *Wisdom, Politics, and Historiography: Tractate Avot in the Context of the Graeco-Roman Near East*. Oxford: Oxford University Press, 2004.
- Urbach, Ephraim, E. "Koreš vehakhrasto be'einei hazal." *Molad* 157 (1961): 368-74. Reprinted in: *The World of the Sages: Collected Studies*. Jerusalem: The Magnes Press, 1988.
- Vahman, Fereydun, ed. and trans. *Ardā Wirāz Nāmag: The Iranian "Divina Commedia."* Scandinavian Institute of Asian Studies – Monograph Series, No. 53. London: Curzon Press, 1986.
- Vevaina, Yuhān S. D. "Resurrecting the Resurrection: Eschatology and Exegesis in Late Antique Zoroastrianism." *Bulletin of the Asia Institute* 19 (2005 [2009]): 215-223.
- . "Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the Sūdgar Nask of Dēnkard Book 9." Ph.D. diss., Harvard University, 2007.
- . "Sūdgar and Warštmanšr Nasks." *Encyclopædia Iranica Online*. Forthcoming.
- Wajsborg, Eljakim. "The Aramaic Dialect of the Early Amoraim." *Leshonenu* 60 (1997): 95-156 [Hebrew].
- Wald, Steven G. *Pereq elu ovrin: bavli pesahim, pereq shlishi im biur maqif*. New York and Jerusalem: The Jewish Theological Seminary of America, 2000.

List of Contributors

YAAKOV ELMAN: is Professor of Judaic Studies at the Yeshiva University and Associate of the Harvard Center for Jewish Studies. He is the author and editor of several books, and numerous articles in Jewish Biblical Exegesis, Talmud, and intellectual rabbinic history. Monographs include *Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia* (Hoboken, N.J.: Ktav, 1994) and *Transmitting Jewish Traditions: Orality, Textuality, and Cultural Diffusion*, co-edited with Israel Gershoni (New Haven, Conn.: Yale University Press, 2000). For the past decade, he has devoted his time primarily to researching the many intersections between the Babylonian Talmud and Middle Persian culture. He is also director of the Friedberg Genizah Project.

Yeshiva University
Wilf Campus
2495 Amsterdam Avenue
Suite 501
New York, New York 10033
Email: Yelman3@aol.com

DAVID GOODBLATT: is Professor of ancient Jewish history at the University of California, San Diego. He is the author of several articles, and three major monographs, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: E. J. Brill, 1973), *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity* (Tübingen: Mohr Siebeck, 1994), and most recently *Elements of Ancient Jewish Nationalism* (Cambridge University Press, 2006).

Department of History
University of California, San Diego
9500 Gilman Drive MC 0104
La Jolla, California 92093-0104
Email: dgoodblatt@ucsd.edu

GEOFFREY HERMAN: is currently a research fellow at the *International Consortium for Research in the Humanities, Dynamics in the History of Religion*, at the Ruhr-Universität Bochum, Germany. He has published widely on Babylonian Jewish history and on the intersection between Talmudic and

415 Portola Plaza
Los Angeles, California 90095
Email: jason@humnet.ucla.edu

SHAI SECUNDA: is a Mandel Fellow at Hebrew University's Scholion Interdisciplinary Research Center in Jewish Studies. He has published articles on the Babylonian Talmud's Iranian context and is preparing a book for publication tentatively entitled "Reading the Bavli in Iran."

Faculty of Humanities, Rabin Building, Mount Scopus
The Mandel Institute of Jewish Studies
The Hebrew University, Jerusalem, 91905 – Israel
Email: secunda@juno.com

SHAUL SHAKED: is the Schwarzmans emeritus University Professor of Iranian Studies at the Hebrew University, Jerusalem. He has widely published in the field of Iranian Studies with a special interest in Middle Persian (Pahlavi) texts, Zoroastrianism, and Judeo-Persian. Among his notable contributions are: *The Wisdom of the Sasanian Sages (Dēnkard VI) by Aturpāt-i Ēmētān* (Boulder, Colo.: Westview Press, 1979); *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: School of Oriental and African Studies 1994); as well as the influential series *Irano-Judaica*, published by the Ben-Zvi Institute, of which he is the editor.

The Hebrew University
Institute of Asian and African Studies
Jerusalem 91905 – Israel
Email: msshaul@mscc.huji.ac.il

PRODS OKTOR SKJÆRVØ: is the Aga Khan Chair of Iranian at Harvard University. He specializes in Old and Middle Iranian philology, as well as Iranian religions. Aside from innumerable articles, his monographs are: the edition (together Helmut Humbach) of the Sasanian Paikuli inscription: *The Sassanian Inscription of Paikuli*, 3 vols. (Wiesbaden: Reichert Verlag, 1978–83), and *Khotanese Manuscripts from Chinese Turkestan in The British Library: A Complete Catalogue with Texts and Translations, with Contributions by Ursula Sims-Williams* (London: The British Library, 2002).

Harvard University
Department of Near Eastern Languages and Civilizations
6 Divinity Avenue
Cambridge, Massachusetts 02138
Email: skjaervo@harvard.edu

Iranian culture. His monograph, *A Prince without a Kingdom*, on the Sasanian Exilarchate, is soon to be published by Mohr Siebeck.

SH 1/175, Ruhr Universität

IKGF

Universitätsstrasse 150

44801 Bochum – Germany

Email: geoffrey.herman@rub.de; reshgaluta@gmail.com

RICHARD KALMIN: is the Theodore R. Racoosin Professor of Talmud and Rabbinics at the Jewish Theological Seminary. He is the author of several books and numerous articles on the interpretation of rabbinic stories, ancient Jewish history, and the development of rabbinic literature. His most recent book is the award-winning *Jewish Babylonia between Persia and Roman Palestine*, (New York: Oxford University Press, 2006). He helped edit *The Cambridge History of Judaism*, vol. 4: *The Late Roman-Rabbinic Period* (Cambridge University Press, 2006), winner of the 2007 National Jewish Book Award.

The Jewish Theological Seminary

3080 Broadway

New York, New York 10027

Email: rikalmin@jtsa.edu

MARIA MACUCH: is Professor of Iranian Studies at the *Institut für Iranistik* of the *Freie Universität Berlin*. She has widely published on Sasanian legal practices and Pahlavi exegesis. Among her most important monographs are: *Das sasanidische Rechtsbuch Mātakdān i hazār Dātistān (Teil II)* (Wiesbaden: Franz Steiner, 1981); and *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farrohmard i Wahrāmān* (Wiesbaden: Harrassowitz Verlag, 1993).

Freie Universität Berlin

Institut für Iranistik

Schwendenerstr. 17

14195 Berlin – Germany

Email: macuch@zedat.fu-berlin.de

JASON SION MOKHTARIAN: is a PhD candidate in Early and Late Antique Judaism at UCLA, where he also earned an M.A. in Ancient Iranian Studies. He presently works on his dissertation entitled *Rabbinic Portrayals of Persia: A Study of Babylonian Rabbinic Culture in its Sasanian Context*.

University of California, Los Angeles

Department of Near Eastern Languages and Cultures

Source Index

Iranian

Aogāmadaēcā [Aog]

19: 232

46–47: 232

57–59: 222

Ardā Wirāz Nāmag [AWN]

17.4–5: 221

23: 177

25: 177

Bundahišn [Bd]

27.44: 221

31.17: 192

Dādestān ī dēnīg [Dd]

36.40: 125

36.93: 223

38: 171–75

38.2: 166

38.5: 166

38.10: 166

38.11: 167

38.12: 166

38.16: 167

38.19–21: 167

38.22: 167

38.23: 167

38.25–26: 167

38.27–28: 167

38.27–29: 167

38.30: 167

38.31: 167

39: 175–76

90.3: 223

Darius at Bisitun [DB]

4.26–28: 127

4.36–40: 127

10.64–73 (Aramaic): 127

Dēnkard [Dk]

7.1.40: 226

7.10.10: 226

9.39.1: 230

9.61.1: 230–31

Dēnkard, Edition Madan [DkM]

487: 129

Frahang ī Ōm [FtO]

25a: 41, 52

Hādōxt Nask [H]

2.19–20: 220–221

Hērbedestān [Herb]

1.1: 181

1.2–3: 186

2.2: 184

2.4.1: 51

3.2: 186

4.2: 202

8.4: 25

9.5: 200

9.7: 28, 29

9.8: 31

9.8.1: 32

9.8.2: 33, 45

9.8.3: 33

13.2: 199

16.1–3: 187

16.3: 197

Pahlavi Hērbedestān

1.3.2: 189–90

2.9: 198

2.11.1: 197

7.5.2: 196

19.7: 194

Kārnāmag ī Ardaxšīr ī Pābagān [KAP]

1.6: 137

1.8–9: 137

1.14–16: 137

YUHAN SOHRAB-DINSHAW VEVAINA: is a lecturer at Harvard University. His research interests include Pahlavi exegetical literature; theoretical approaches to the study of Zoroastrianism; the history and development of Zoroastrian interpretation; colonial and post-colonial constructions of religion; and religion in Diaspora. He is currently working on a book project, which is based on his Ph. D. thesis, to be published in the *Iranica* series, edited by Maria Macuch (Wiesbaden: Harrassowitz Verlag), and is co-editor (together with Michael Stausberg, University of Bergen) of the forthcoming volume: *The Blackwell Companion to the Study of Zoroastrianism* (Oxford: Blackwell).

Harvard University
Department of Near Eastern Languages and Civilizations
6 Divinity Avenue
Cambridge, Massachusetts 02138
Email: vevaina@harvard.edu

Song of Songs

8.8: 120

9.1: 130

Ecclesiastes

10.12: 120

10.13: 120

Ezra

1.2: 115, 122–24, 126, 128, 139

1.3: 120

6.14: 131

Esther

1.22: 79

Nehemiah

8–10: 113

Daniel

5.28: 122

5.30–31: 137

I Chronicles

29.23: 123

Targumic Texts

Targum Pseudo Jonathan

to Genesis

41.44: 74

Aramaic Targum

to 2 Chronicles

28.7: 74

to Esther

10.3: 74

Mishnah

Avot

1–12: 159

Makkot

2.2: 47

Baba Qamma

2.6: 36, 55

Nega'im

1: 66

Tosefta

Baba Qamma

9.11: 47

Eduyot

1.3: 80

Palestinian Talmud

Avodah Zarah

2.2 (40d): 90

Betza

1.1 (60a): 69

Berakhot

2.4 (5a): 70

4.1 (7d): 72

4.6 (8c): 71

Mēnōy ī Xrad [MX]

2.16–19:126

2.158–59: 221

27.59–63: 226

15.20: 37

15.21: 38

15.22: 38

19.33: 231–32

Mādayān ī Hazār Dādestān [MHD]

29.8–11: 48

36.14–16: 49

Pahlavi Nīrangestān [N]

39.5: 199

Pahlavi Videvdad [PV]

1.9: 192

3.14: 196

8.16: 196

16.2: 193, 197

16.2.3: 203

16.4: 193–94

Pahlavi Rivāyat Accompanying the Dādestān ī dēnīg [PRDd]

11.1: 165

24.1–2: 231

Yasna [Y]

0.9: 190

3.15 (= *Sī-rōzag* 1.29): 185

8.9: 191

9.2: 183

9.18: 191

10.7: 182

Šāhnāme [Šn]

9.146–148: 86

Šāyest nē šāyest [Šnš]

1.3–4: 155–56

2.1: 195

2.10–11: 188

3.19: 195

14.11–15.2: 189

30: 157

Pahlavi Yasna [PY]

1.6: 192

9.1: 195

31.12: 182

46.1: 230

Videvdad [V]

9.57: 200–201

15.15: 37

15.16: 36

Yašt [Yt]

1.11: 192

13.132: 224

19.71: 224

19.88–89: 226–27

Hebrew Bible

Genesis

9.21: 121, 122

10.1: 121, 122

Deuteronomy

18.13: 94

Exodus

19.6: 169, 170

22.8: 54

28.4: 169

Isaiah

45.1: 115, 120, 139

Ezekiel

44.18: 169

Leviticus

12.2: 66

Zechariah

10.2: 89

Numbers

12.6: 89

Proverbs

29.17: 47

30.8: 128

- Nidda*
13a: 166
- Nedarim*
62b: 102, 109
- Qiddushin*
60b: 105, 107
72b: 59, 69
- Pesahim*
6b: 39
30a: 90
113b: 94
- Rosh Hashana*
3b: 130–32, 139
- Sanhedrin*
20b: 123
39a: 93, 168
81b–82a: 87
86a: 159
98a: 93
- Shabbat*
9b: 170
11a: 89
59b: 170
75a: 93
- 93a: 114
94a: 76, 80
139a: 93
- Shevu'ot*
6a: 66
6b: 67
- Sotah*
6b: 114
22a: 93
31a: 87
- Sukkah*
34b: 90
- Ta'anit*
12b: 89
20a: 59
20b: 69
22a: 114
24b: 87
- Yoma*
10a: 122
- Zebahim*
18b–19a: 169
96b: 73

Midrash

- Genesis Rabbah*
36.8: 121
68.12: 99
- Exodus Rabbah*
2.2: 121
3.1: 122
- Sifra, Nega'im, (Tazri'a)*
1.4: 66
- Song of Songs Rabbah*
1.1, 10: 123
2.13: 121
3.4: 121
8.2: 159
8.13: 120
- Ecclesiastes Rabbah*
1.1, 12: 123
6.2: 159
10.1: 120
- Lamentations Rabbah*
1.1.16: 99
- Esther Rabbah*
1.3: 132
1.5: 124
2.1: 121
- Pirke de Rabbi Eliezer*
11: 124
35: 121

Kallah

1.18: 166

Ma'aser Sheni

4.12 (55b-c): 99

Rosh Hashanah

1.1: 132

Shabbat

6.9 (8d): 96

Shevu'ot

1.2 (32d): 66

Ta'anit

3.13 (67a): 69

Babylonian Talmud

'Arakhin

28a: 105, 107

'Avoda Zara

15b: 81

18a: 78–79, 114

28a: 90

32a: 114

33b: 68

34a: 114

61b: 68

71a: 114

Baba Batra

55a: 93

154b: 71

Baba Mezia

6: 7

6a: 55

35a: 43

42a: 43

49b: 68

107b: 68

Baba Qamma

26b–27a: 44, 55

29a: 29

32a: 44

32b: 44

107b: 55

Berakhot

27b–28a: 72

30a–b: 71

46B: 162

55b: 89

56a: 87

56b: 89, 98

56b–57b: 90, 91

58a–b: 89

60b: 170

Eruvin

59a: 114

62a: 104

Gittin

28b: 105, 114

40a: 102, 108, 114

52b: 48, 49

68a–b: 124

68b: 123

69b: 90

80b: 59

Hullin

133a: 87

Ketubot

60b: 81

Makkot

8a–b: 47

Megilla

10b–17a: 112

10b: 113

11a–b: 115, 120, 122–24, 126–30, 137,
139

12a: 115, 118–22

12b: 76, 79, 114

16a: 114

13b: 114

18a: 113

Mo'ed Qatan

4b: 80

17a: 47

18a: 93

Select Modern Author Index

- Boyce, Mary 142, 148–53, 163, 214, 217–18, 227–28
- Cantera, Alberto 17, 24, 56, 142, 148–49, 153, 156–58, 205
- de Menasce, Jean-Pierre 94, 101, 142, 148, 152, 157, 168, 209
- Elman, Yaakov 3, 7, 13–16, 19, 47, 61, 80, 100–01, 112, 114, 140, 142–46, 148, 150–51, 155, 157, 178–79, 181, 203–06, 208
- Friedman, Shamma 2–7, 10, 11, 13–14, 18, 21–22, 78, 141, 145, 151
- Gignoux, Philippe 22–23, 30, 60, 63, 152, 155, 169, 177, 183, 209
- Hezser, Catherine 2, 7, 18–19, 50, 71, 100, 143–46, 152, 159,
- Kalmin, Richard 2, 13–14, 17, 18, 62, 88–91, 97, 112, 116, 141, 143, 154
- Kellens, Jean 206, 214, 219, 227
- Macuch, Maria 23–24, 30–31, 35–36, 41, 43, 50–53, 68, 101–09, 145–46, 152, 155, 190, 205
- Neusner, Jacob 1–3, 18–19, 21, 59, 69, 72, 100, 104–05, 109, 113, 135, 140–41, 144, 154,
- Nöldeke, Theodor 59, 62–63, 65, 69–70, 76
- Russell, James R. 83–85, 91, 93
- Shaked, Shaul 30, 58, 76, 84–86, 94, 100–01, 112–14, 125, 129, 142–43, 148, 167–69, 176, 204, 207–09, 218–19
- Skjærvø, Prods Oktor 17, 24–29, 32, 34, 36–37, 43, 45–46, 64, 75, 112, 126, 128, 140, 142, 148, 151, 155, 157, 179, 183, 190, 192, 194, 206–07, 209, 212, 214, 215, 219, 221, 225, 232
- Weiss-Halivni, David 11, 13–16, 18–19, 21, 47, 61, 100, 141, 143, 208

Pesiqta Rabbati

15.13: 121

35.1: 121, 122

Sefer Orhhot Hayyim: 162

Eschatology 207, 210, 215, 218, 219, 222, 226–28

Exilarch 62, 67–72, 146, 162–163, 168, 170

Exilarchate XV, 19, 62, 66–67, 70, 72, 163, 169

Fragard 24, 147, 150, 153, 156–59, 178, 205, 209, 210, 214–17, 222–23, 228–30

Gathas (*Gāthā*) 128, 142, 148, 206–10, 213–29

Genizah 4–5, 7, 62, 66–67, 70–71

Geonim 4, 14

glebae adscripti 108

Gōgūšnasp 23–24, 153, 155–56, 190, 197, 199

hargbed 58, 62–66, 70, 72, 74–75, 81–82

hashash 26

hazārbed 59

Hekhalot Texts 3

Iranian Law 101–02, 107

Justinian 16–18, 39, 55–56, 145

Ka'abe-ye Zardošt 61

kādōzed 40–42, 46, 51–53

kādyōzad 51

kamarā

kauuis 170

Kawād 17

Kay Ādur Bozēd 23, 26–27, 29, 156, 200

Kay Husrōy 215, 217, 223–26, 228

Kay Qobād 86

Kayanid 86, 118, 135–38, 217

kustīg 93, 165–68, 171–75, 177

Ma'agarim 5

Mādayān ī Hazār Dādestān (“book of a thousand decisions”) 22, 106, 109, 145–46, 154–55, 178–79,

Magi 83–87, 92–95, 99

Mahoza 22, 47

margazān 30

margīh ud raxtagīh 30

māwāg 163–64, 175–76

Mēdomāh/ Mēdomahites 23–24, 153, 155–58, 188–89

mēhan 181–82

mhwg 163

muhr ī wāwarīgān 104

muhrqāḡ wāwarīgānē 104, 110

Narseh 63–65, 75, 109, 128, 183

Nīrangestān 179, 199

Pābag 65, 84, 137–38

Pahlavi Videvdad 22, 148–50, 152–53, 157–58, 178, 192–93, 196–97, 200, 203, 213

Paikuli inscription 63–65, 128

Palestinian Talmud/ Talmud Yerushalmi (PT) 5, 13, 18, 62, 64, 66–72, 74, 87, 90, 99, 132, 144–46, 151, 161

pāshān 25, 46

Pērōz 16, 109

pesha' 54

pešf'ah 42, 54

pešf'uta 43

Phraates 64

Priests 25, 83, 85, 87, 93–94, 108–09, 116, 131, 138, 144, 154, 160, 165, 168–70, 178, 199, 207, 209, 212–13, 222, 228–29

Pumbedita 22

Pusānōš 23

reish galluta 145

Rēš 26, 31–36, 38, 43–46, 48, 51, 53–54, 59, 169

rishonim 4

Roman law 18, 23, 30, 39–40, 46–48, 50, 53–57, 90, 103, 106, 144, 146, 159

Rostam 86, 127

Rōšn 23, 33, 38, 43–45, 84, 137, 184, 203

sag dīd 35

sālār/ sālārīh 25–26, 32–38, 40, 43, 45–46, 48, 51–53, 56, 70, 108, 114, 129, 137, 187, 202

salutatio 71–72

Sāsān 84, 137–38

Sasanian court 84, 103, 105, 110, 129

Sasanian empire 1, 17, 58–60, 63, 69, 81, 95, 101, 179,

Sasanian era 1, 58, 63, 65, 72, 74–75, 113, 117–18, 136, 210

Sasanian law 21–22, 25, 30, 43, 48–49, 53, 57, 100–03, 105–06, 108, 110–11, 145, 156, 178

Savoraim 13–16

Subject Index

- Abarg/Abargites 22–24, 28–29, 31–37,
 39, 40, 42–46, 52–54, 56, 153, 155,
 156, 189, 197
abhneš 168, 169
adādihā sālārīh 26, 32–38, 40, 43, 45–46,
 51, 52–53, 56
ādurān bandag 108
 Adurbad 23, 209
adwadād 26, 31–32, 34–35, 37, 43–44, 48
aēšma- 124–25
 Ahasuerus 61, 74, 79, 114, 122, 130, 132,
 137, 143
 Ahriman 125–26, 129
 Ahura Mazdā 91, 183, 214, 220, 222, 225
alqabaṭa 67–68, 74
anšahrīg ī ātaxš 108–10
 Anshan/ Anshanite 133–34
 Ardašīr I 65, 136–37
 Artaxerxes 130–32, 135–36
 Ashmedai 123–26, 129
 Astrology 86, 92, 95–96
 Astyages 83, 85, 122
auctor 106
 Avesta 17, 22, 24–25, 27–29, 31–32, 34,
 36–41, 44, 46, 49, 52–53, 93, 102–03,
 117, 124–26, 128–29, 135–36, 138,
 142, 148–49, 152–53, 156–58, 173–
 75, 179–85, 187–88, 190, 192, 194–
 98, 200, 202–03, 205–07, 209–10,
 213–15, 217, 220–22, 224–30, 232
āxwarrhed 61–62
 Azād Mard 23

 'bd' d-nwr' 102, 108–11

 Babylonian Esther Midrash (BEM) 76,
 80, 112–13, 115, 117–24, 128, 130,
 137–39
Bag Nask 209, 214, 230
bāj 163–64, 177
bandag ī ātaxš 108–10
baodō.varšta- 36
bar 51, 103, 106, 198, 202, 216
 Bardiya 127, 133

bidaxš 58, 62, 75–76, 79–81
bīm 26, 189
 Bisitun inscription 127–28, 133–34
bōdōwaršt 36, 38, 40–41, 43, 52
bōdōzed 36, 40–41, 52
hun 106

 Cambyses 122, 133–34
čār ud tuwān 30
čāštag 103, 153–57, 159
 Chaldaeans 86, 94
Codex Theodosianus 145
Corpus Iuris Civilis 145
 Ctesiphon 22, 46
 Cyaxeres 122
 Cyrus 83, 115–24, 126–36, 138–39
 Cyrus Cylinder 133–34

dād 32, 37–38, 48–49, 150, 153, 157–58,
 178, 192, 205, 217, 226
 Dād Farroxw 23, 146
Dādestān ī dēnīg 22, 125, 129, 144, 147,
 158, 164–66, 168, 171, 175, 178, 214,
 216, 222–24, 228
dārišn 106, 190
 Darius 118, 123–24, 127, 128, 130–38
 Darius the Mede 122, 130
dāštārīh 109
dastgird 108, 110, 114
dastwar/ dastwarīh 22, 101, 105–08, 110,
 154, 203–04
 Dēnkard 106, 114, 129, 138, 147, 152,
 180, 183, 185, 204–07, 209–14, 216–
 17, 219, 222, 225–26, 228–30
dibīr 135, 138
drauga- 127
 dream interpreter 83–88, 91–93, 97–99,
 137
 dream manual 90–91
 dream-fasting 89
dsqrt' d-'bdy 102, 108
dūdag sālār 48

Texts and Studies in Ancient Judaism

Alphabetical Index

- Albani, M., J. Frey, and A. Lange* (Ed.): Studies in the Book of Jubilees. 1997. Vol. 65.
- Ameling, Walter* (Ed.): Inscriptiones Iudaicae Orientis. Vol. 2: Kleinasien. 2004. Vol. 99.
- Avemarie, Friedrich*: Tora und Leben. 1996. Vol. 55.
- Avidov, Avi*: Not Reckoned among Nations. 2009. Vol. 128.
- Bakhos, Carol, and Rahim Shayegan* (Ed.): The Talmud in Its Iranian Context. 2010. Vol. 135.
- Baumgarten, Albert*: Elias Bickerman as a Historian of the Jews. 2010. Vol. 131.
- Becker, A. H., and A. Y. Reed* (Ed.): The Ways that Never Parted. 2003. Vol. 95.
- Becker, Hans-Jürgen*: Die großen rabbinischen Sammelwerke Palästinas. 1999. Vol. 70.
- see *Schäfer, Peter*
- Becker, Hans-Jürgen* (Ed.): Geniza-Fragmente zu Avot de-Rabbi Natan. 2004. Vol. 103.
- Bloedhorn, Hanswulf*: see *Noy, David*
- Boustani, Ra'anan S.*: From Martyr to Mystic. 2005. Vol. 112.
- Brodsky, David*: A Bride without a Blessing. 2006. Vol. 118.
- Cansdale, Lena*: Qumran and the Essenes. 1997. Vol. 60.
- Chester, Andrew*: Divine Revelation and Divine Titles in the Pentateuchal Targumim. 1986. Vol. 14.
- Cohen, Martin Samuel*: The Shi'ur Qomah: Texts and Recensions. 1985. Vol. 9.
- Crown, Alan D.*: Samaritan Scribes and Manuscripts. 2001. Vol. 80.
- DiTommaso, Lorenzo*: The Dead Sea 'New Jerusalem' Text: Contents and Contexts. 2005. Vol. 110.
- Dochhorn, Jan*: Die Apokalypse des Mose. 2005. Vol. 106.
- Doering, Lutz*: Schabbat. 1999. Vol. 78.
- Ego, Beate*: Targum Scheni zu Ester. 1996. Vol. 54.
- Ehrlich, Uri*: The Nonverbal Language of Prayer. 2004. Vol. 105.
- Engel, Anja*: see *Schäfer, Peter*
- Frey, J.*: see *Albani, M.*
- Frick, Peter*: Divine Providence in Philo of Alexandria. 1999. Vol. 77.
- Gardner, Gregg and Kevin L. Osterloh* (Ed.): Antiquity in Antiquity. 2008. Vol. 123.
- Gibson, E. Leigh*: The Jewish Mission Inscriptions of the Bosphorus Kingdom. 1999. Vol. 75.
- Gleßner, Uwe*: Einleitung in die Targume zum Pentateuch. 1995. Vol. 48.
- Goldberg, Arnold*: Mystik und Theologie des rabbinischen Judentums. Gesammelte Studien I. Ed. by *M. Schlüter* and *P. Schäfer*. 1997. Vol. 61.
- Rabbinische Texte als Gegenstand der Auslegung. Gesammelte Studien II. Ed. by *M. Schlüter* and *P. Schäfer*. 1999. Vol. 73.
- Goodblatt, David*: The Monarchic Principle. 1994. Vol. 38.
- Gröninger, Karl*: Musik und Gesang in der Theologie der frühen jüdischen Literatur. 1982. Vol. 3.
- Gruenwald, I., Sh. Shaked and G. G. Stroumsa* (Ed.): Messiah and Christos. Presented to David Flusser. 1992. Vol. 32.
- Gußmann, Oliver*: Das Priesterverständnis des Flavius Josephus. 2008. Vol. 124.
- Halperin, David J.*: The Faces of the Chariot. 1988. Vol. 16.
- Hauptman, Judith*: Rereading the Mishnah. 2005. Vol. 109.

- Scribes 3–4, 62, 135, 149, 153
 Second Temple 117, 120–22, 128, 137
shamir 124
Sōšāns 23–24, 26–32, 34–35, 37, 40, 42
 43, 45–46, 51, 53, 180, 193, 197, 199
 200, 218, 222–23, 226, 228, 230
Stammaim 11, 13, 15, 141
Sūdgar Nask 147, 206, 209–10, 213–15,
 217, 219–20, 222, 224, 228–29
sugyot 11, 13, 141, 145–46, 150–53, 159

Šābuhr I 61, 63–65, 75
Šāhnāme 86, 136, 217
Šāyest nē šāyest 22, 147–50, 152–53,
 155–59, 178, 188–89, 194–95

 Talmud Yerushalmi *see* Palestinian Tal-
 mud
tan ī pasēn 218, 226, 231
tanāpuhl/ tanāpuhlīg 27, 35–36, 165
 Teispis 133–34
 Text criticism 116, 204

 Vahayazdāta 127
Videvdad 22, 24, 32–33, 35–38, 40–41,
 50, 129, 147–50, 152–53, 157–58,
 178–80, 192–93, 196–97, 200, 203,
 210, 213, 216, 228, 231

warōmand 32–33, 45–46, 202–03
Warštmānsr Nask 209–10, 214, 230
Weh-dōst 23, 33, 43–46, 48
Wizīrkerd ī dēnīg 178

 Xerxes 83, 122, 130
xēsm/ xēsmīh 125–26, 129, 219
xēsm-dēw 125
 Xosrō I 17
 Xwanīrah 215, 217, 223
xwāstag 51, 106, 187, 202, 216, 231
xwēšīh 106

Yašts 213, 217, 225, 227
 Yazdgird II 16, 168

 Zāl 86
zamīg 51, 108, 220–21, 230
 Zand 22, 24–25, 31, 40, 46, 102–03, 138,
 142–43, 147–49, 158, 180, 187, 209–
 10
Zand ī fragard ī jud-dēw-clād 147, 150,
 153, 157–59, 178, 205
 Zarathustra 91, 195–96, 206–07, 209,
 211, 214–15, 218–20, 223–28, 230
 Zoroastrian theology 103

- Niehoff, Maren: Philo on Jewish Identity and Culture. 2001. *Vol.* 86.
- Noy, David, Alexander Panayotov, and Hanswulf Bloedhorn (Ed.): *Inscriptiones Judaicae Orientis*. Vol. I: Eastern Europe. 2004. *Vol.* 101.
- , and Hanswulf Bloedhorn (Ed.): *Inscriptiones Judaicae Orientis*. Vol. 3: Syria and Cyprus. 2004. *Vol.* 102.
- Olyan, Saul M.: A Thousand Thousands Served Him. 1993. *Vol.* 36.
- Oppenheimer, Aharon: Between Rome and Babylon. 2005. *Vol.* 108.
- Orlov, Andrei A.: The Enoch-Metatron Tradition. 2005. *Vol.* 107.
- Osterloh, Kevin L.: see Gardner, Gregg
- Otterbach, Rina: see Schäfer, Peter
- Panayotov, Alexander: see Noy, David
- Prigent, Pierre: *Le Judaïsme et l'image*. 1990. *Vol.* 24.
- Pucci Ben Zeev, Miriam: Jewish Rights in the Roman World. 1998. *Vol.* 74.
- Pummer, Reinhard: Early Christian Authors on Samaritans and Samaritanism. 2002. *Vol.* 92.
- The Samaritans in Flavius Josephus. 2009. *Vol.* 129.
- Rebiger, Bill / Schäfer, Peter (Ed.): *Sefer ha-Razim – Das Buch der Geheimnisse*. Vol. I: Edition. 2009. *Vol.* 125. Vol. II: Einleitung, Übersetzung und Kommentar. 2010. *Vol.* 132.
- Reed, A. Y.: see Becker, A. H.
- Reeg, Gottfried (Ed.): *Die Geschichte von den Zehn Märtyrern*. 1985. *Vol.* 10.
- see Schäfer, Peter
- Reichman, Ronen: *Abduktives Denken und talmudische Argumentation*. 2005. *Vol.* 113.
- *Sifra und Mishna*. 1998. *Vol.* 68.
- Renner, Lucie: see Schäfer, Peter
- Rocca, Samuel: *Herod's Judaea*. 2008. *Vol.* 122.
- Rohrbacher-Sticker, Claudia: see Schäfer, Peter
- Rubenstein, Jeffrey L. (Ed.): *Creation and Composition*. 2005. *Vol.* 114.
- Salvesen, A. (Ed.): *Origen's Hexapla and Fragments*. 1998. *Vol.* 58.
- Salzer, Dorothea M.: *Die Magie der Anspielung*. 2010. *Vol.* 134.
- Sameli, Alexander: *The Interpretation of Speech in the Pentateuch Targums*. 1992. *Vol.* 27.
- Schäfer, Peter: *Der Bar-Kokhba-Aufstand*. 1981. *Vol.* 1.
- *Hekhalot-Studien*. 1988. *Vol.* 19.
- Schäfer, Peter (Ed.): *Geniza-Fragmente zur Hekhalot-Literatur*. 1984. *Vol.* 6.
- *The Bar Kokhba War Reconsidered*. 2003. *Vol.* 100.
- see Goldberg, Arnold
- in cooperation with Klaus Herrmann, Rina Otterbach, Gottfried Reeg, Claudia Rohrbacher-Sticker, Guido Weyer: *Konkordanz zur Hekhalot-Literatur*. Band 1: 1986. *Vol.* 12.
- Band 2: 1988. *Vol.* 13.
- Schäfer, Peter, Margarete Schlüter, and Hans Georg von Mutius (Ed.): *Synopse zur Hekhalot-Literatur*. 1981. *Vol.* 2.
- Schäfer, Peter (Ed.) in cooperation with Hans-Jürgen Becker, Klaus Herrmann, Ulrike Hirschfelder, Gerold Necker, Lucie Renner, Claudia Rohrbacher-Sticker, Stefan Siebers: *Übersetzung der Hekhalot-Literatur*. Band 1: §§ 1–80. 1995. *Vol.* 46.
- Band 2: §§ 81–334. 1987. *Vol.* 17.
- Band 3: §§ 335–597. 1989. *Vol.* 22.
- Band 4: §§ 598–985. 1991. *Vol.* 29.
- Schäfer, Peter, and Hans-Jürgen Becker (Ed.) in cooperation with Anja Engel, Kerstin Ipta, Gerold Necker, Uta Lohmann, Martina Urban, Gert Wildensee: *Synopse zum Talmud Yerushalmi*. Band I/1–2: 1991. *Vol.* 31.
- Band I/3–5: 1992. *Vol.* 33.
- Band I/6–11: 1992. *Vol.* 35.
- Band II/1–4: 2001. *Vol.* 82.
- Band II/5–12: 2001. *Vol.* 83.
- Band III: 1998. *Vol.* 67.
- Band IV: 1995. *Vol.* 47.

- Hayman, A. Peter: *Sefer Yesira*. 2004. Vol. 104.
- Herrmann, Klaus (Ed.): *Massekhet Hekhalot*. 1994. Vol. 39.
see Schäfer, Peter
- Herzer, Jens: *Die Paralipomena Jeremiae*. 1994. Vol. 43.
- Hezser, Catherine: *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin*. 1993. Vol. 37.
- Jewish Literacy in Roman Palestine. 2001. Vol. 81.
 - see Schäfer, Peter
 - The Social Structure of the Rabbinic Movement in Roman Palestine. 1997. Vol. 66.
- Hezser, Catherine (Ed.): *Rabbinic Law in its Roman and Near Eastern Context*. 2003. Vol. 97.
- Hirschfelder, Ulrike: see Schäfer, Peter
- Horbury, W.: see Krauss, Samuel
- Houtman, Alberdina: *Mishnah und Tosefta*. 1996. Vol. 59.
- Ilan, Tal: *Jewish Women in Greco-Roman Palestine*. 1995. Vol. 44.
- Integrating Woman into Second Temple History. 1999. Vol. 76.
 - *Lexicon of Jewish Names in Late Antiquity*.
Part I: Palestine 330 BCE – 200 CE. 2002. Vol. 91.
Part III: The Western Diaspora, 330 BCE – 650 CE. 2009. Vol. 126.
 - *Silencing the Queen*. 2006. Vol. 115.
- Instone, David: *Techniques and Assumptions in Jewish Exegesis before 70 CE*. 1992. Vol. 30.
- Ipta, Kerstin: see Schäfer, Peter
- Iricinschi, Eduard and Holger M. Zellentin (Ed.): *Heresy and Identity in Late Antiquity*. 2008. Vol. 119.
- Jacobs, Martin: *Die Institution des jüdischen Patriarchen*. 1995. Vol. 52.
- Kasher, Aryeh: *The Jews in Hellenistic and Roman Egypt*. 1985. Vol. 7.
- *Jews, Idumaeans, and Ancient Arabs*. 1988. Vol. 18.
 - *Jews and Hellenistic Cities in Eretz-Israel*. 1990. Vol. 21.
- Knittel, Thomas: *Das griechische ‚Leben Adams und Evas‘*. 2002. Vol. 88.
- Krauss, Samuel: *The Jewish-Christian Controversy from the earliest times to 1789*. Vol. I. Ed. by W. Horbury. 1996. Vol. 56.
- Kuhn, Peter: *Offenbarungsstimmen im Antiken Judentum*. 1989. Vol. 20.
- Kuyt, Annelies: *The ‚Descent‘ to the Chariot*. 1995. Vol. 45.
- Lange, A.: see Albani, M.
- Lange, Nicholas de: *Greek Jewish Texts from the Cairo Genizah*. 1996. Vol. 51.
- Lapin, Hayim: *Economy, Geography, and Provincial History in Later Roman Galilee*. 2001. Vol. 85.
- Lehnardt, Andreas: *Qaddish*. 2002. Vol. 87.
- Leibner, Uzi: *Settlement and History in Hellenistic, Roman, and Byzantine Galilee*. 2009. Vol. 127.
- Leonhardt, Jutta: *Jewish Worship in Philo of Alexandria*. 2001. Vol. 84.
- Levine, Lee I. and Daniel R. Schwartz (Ed.): *Jewish Identities in Antiquity*. 2009. Vol. 130.
- Lohmann, Uta: see Schäfer, Peter
- Loopik, M. van (Transl. a. comm.): *The Ways of the Sages and the Way of the World*. 1991. Vol. 26.
- Luttkhuizen, Gerard P.: *The Revelation of Elchasai*. 1985. Vol. 8.
- Mach, Michael: *Entwicklungsstadien des jüdischen Engelglaubens in vorrabbinischer Zeit*. 1992. Vol. 34.
- Mendels, Doron: *The Land of Israel as a Political Concept in Hasmonean Literature*. 1987. Vol. 15.
- Miller, Stuart S.: *Sages and Commoners in Late Antique ‚Eretz Israel‘*. 2006. Vol. 111.
- Moscovitz, Leib: *Talmudic Reasoning*. 2002. Vol. 89.
- Mutius, Georg von: see Schäfer, Peter
- Necker, Gerold: see Schäfer, Peter
- Netzer, Ehud: *The Architecture of Herod, the Great Builder*. 2006. Vol. 117.

- Schäfer, Peter; and Shaul Shaked* (Ed.):
Magische Texte aus der Kairoer
Geniza. Band I: 1994. Vol. 42
– Band 2: 1997. Vol. 64.
– Band 3: 1999. Vol. 72.
- Schäfer, Peter* (Ed.): The Talmud Yerushalmi and Graeco-Roman Culture I. 1998. Vol. 71.
- Schäfer, Peter; and Catherine Hezser* (Ed.): The Talmud Yerushalmi and Graeco-Roman Culture II. 2000. Vol. 79.
- Schäfer, Peter* (Ed.): The Talmud Yerushalmi and Graeco-Roman Culture III. 2003. Vol. 93.
– see *Rebiger, Bill*
- Schlüter, Margarete*: see *Goldberg, Arnold*
– see *Schäfer, Peter*
- Schmidt, Francis*: Le Testament Grec d'Abraham. 1986. Vol. 11.
- Schröder, Bernd*: Die „väterlichen Gesetze“. 1996. Vol. 53.
- Schwartz, Daniel R.*: Agrippa I. 1990. Vol. 23.
- Schwartz, Daniel R.* (Ed.): see *Levine, Lee I.*
- Schwemer, Anna Maria*: Studien zu den frühjüdischen Prophetenlegenden. Vitae Prophetarum. Band I: 1995. Vol. 49.
– Band II (mit Beiheft: Synopse zu den Vitae Prophetarum): 1996. Vol. 50.
- Shahar, Yuval*: Josephus Geographicus. 2004. Vol. 98.
- Shaked, Shaul*: see *Gruenwald, I.*
– see *Schäfer, Peter*
- Shatzman, Israel*: The Armies of the Hasmonaeans and Herod. 1991. Vol. 25.
- Shayegan, Rahim*: see *Bakhos, Carol*
- Siebers, Stefan*: see *Schäfer, Peter*
- Sivertsev, Alexei*: Private Households and Public Politics in 3rd – 5th Century Jewish Palestine. 2002. Vol. 90.
- Spilisbury, Paul*: The Image of the Jew in Flavius Josephus' Paraphrase of the Bible. 1998. Vol. 69.
- Stemberger, Günter*: Judaica Minora I. 2010. Vol. 133.
- Stroumsa, G.G.*: see *Gruenwald, I.*
- Stuckenbruck, Loren T.*: The Book of Giants from Qumran. 1997. Vol. 63.
- Swartz, Michael D.*: Mystical Prayer in Ancient Judaism. 1992. Vol. 28.
- Sysling, Harry*: Tehiyyat Ha-Metim. 1996. Vol. 57.
- Teppler, Yaakov Y.*: Birkat haMinim. 2007. Vol. 120.
- Tov, Emanuel*: Hebrew Bible, Greek Bible, and Qumran. 2008. Vol. 121.
- Urban, Martina*: see *Schäfer, Peter*
- Veltri, Giuseppe*: Eine Tora für den König Talmi. 1994. Vol. 41.
– Magie und Halakha. 1997. Vol. 62.
- Visotzky, Burton L.*: Golden Bells and Pomegranates. 2003. Vol. 94.
- Wandrey, Irina*: „Das Buch des Gewandes“ und „Das Buch des Aufrechten“. 2004. Vol. 96.
- Weyer, Guido*: see *Schäfer, Peter*
- Wewers, Gerd A.*: Probleme der Bavot-Traktate. 1984. Vol. 5.
- Wildensee, Gert*: see *Schäfer, Peter*
- Wilson, Walter T.*: The Mysteries of Righteousness. 1994. Vol. 40.
- Zellentin, Holger M.* see *Iricinschi, Eduard*